The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 3. **Salt Lake City, Wednesday, February 21, 1872.** **Vol. XXI**

ESTABLISHED 1850.

THE DESERET NEWS, WEEKLY

One copy one year.....$5 00
" six months.....3 00
" three months.....2 00

THE DESERET NEWS: SEMI-WEEKLY

One copy one year.....$6 00
" six months.....3 50
" three months.....2 00

THE DESERET EVENING NEWS

One copy one year.....$10 00
" six months.....5 00
" three months.....3 00

GEORGE Q. CANNON,
EDITOR AND PUBLISHER.

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY.

IRON COUNTY.—Hon. Jesse N. Smith reports 695 votes in Iron county for Delegates to the Constitutional Convention.

THE LATEST.—The latest donkeyism of the sensation telegraphic dispatches from this city to the west is that the heavens are likely to fall because the Japanese Embassy visited President B. Young. Well, let them fall, if that is all that holds them up.

FAIR AND SQUARE.—Prominent members of the opposition party, at the City Hall, yesterday, we are informed, said that the proceedings throughout were conducted, on the side of the people, or majority, in a fair and square manner. So far as we can learn, those gentlemen themselves were also courteous and gentlemanly, not manifesting the least disposition to act unfairly

FROM NEW ZEALAND.—We had a call yesterday from Brothers Henry Dryden and Joseph Fawcett, who, with their families, arrived from New Zealand on Saturday night. Brother Dryden is a carpenter and Brother Fawcett has been engaged for a number of years as a sheep herder. Both of these brethren are in want of employment. They can be heard of at this Office.

INDIAN VOCABULARY.—D. B. Huntington, Esq., of this city, Indian interpreter, has just issued the third edition, revised and enlarged, of his vocabulary of the Ute and Shoshone dialects, containing also a brief account of the life and death of Wah-ker, the Indian land pirate, and Indian traditions. To all interested in or desirous of gaining a knowledge of these Indian tongues this little book will be found very valuable.

FROZEN TO DEATH.—We have learned the following particulars concerning the man who was found frozen to death in the vicinity of Snyder's Mill, Parley's Park, and whose body was brought to this city on Sunday last.

It appears that his name was Sunde, and that he had been employed by a Mr. Redfker to burn charcoal. He started from this city to commence work, a week ago last Friday, and his body was discovered on the side of a mountain a week ago today. Several attempts were made by different parties to reach the remains, cattle being used to break a road through the snow, but without avail, until Saturday, when Brothers Robert and George Young got as near as they could with a sleigh, unhitched the animals, and managed to get the body to the sleigh by dragging it over the snow. These two young men, we believe, brought the remains to town.

It is stated that Mr. Sunde left a wife behind him when he left this city. Efforts have been made to find her, which have, so far, been unsuccessful. The body was to be interred to day.

RATHER ENIGMATICAL.—It has been stated that a certain petition which was lately got up in this city, the object of which was to have a certain official retained in office, received the signatures of 2200 persons. We do not wish it to be supposed that we are skeptical as to the number of names being attached to the petition, but the result of the voting yesterday naturally leads people to inquire as to how these names got there. Where were the 2200 yesterday? Echo answers, where? One would have supposed that after that 2200 petition the so called "national party" would have been cunning enough not to have laid the nature of the signatures open to question as to genuineness, by getting up a ticket and showing their numerical weakness. Funny petition, that.

FIRE AT LOGAN.—The following was received by Deseret Telegraph this morning:

Logan, Feb. 13.—The woodwork of the store-house belonging to Wm. H. Sherman, was destroyed by fire at 1-30 this a.m. The fire is supposed to have originated in a room occupied by Olaf Hanson and Brother, tailors, as the fire was first seen emerging from the roof over that room, about 12 o'clock, midnight. All the doors, windows and frames that could be taken out were saved. A small frame building on the west end of the house was taken down and moved away and every effort was used that possibly could be, to save the property.

GEO. L. FARRELL.

Abstract of the Municipal Election held in Salt Lake City, February 13, 1872

Mayor:		**Mayor:**	
D H Wells,	4410	S S Walker,	547
Aldermen:		**Aldermen:**	
1 Isaac Groo,	4406	1 T A Lyne,	548
2 A Miner,	4413	2 T D Brown,	545
3 N H Felt,	4413	3 L Wines,	547
4 J Clinton,	4394	4 J C Lawrence,	550
5 J Van Cott,	4413	5 R Sidoway,	547
Councilors:		**Councilors:**	
L S Hills,	4416	Chas Trowbridge,	547
R T Burton	4407	J Lowe,	547
J R Winder,	4413	F Auerbach,	547
Alex Majors,	4415	J M Allen,	547
A O Pyper,	4413	W H Pitts,	547
J F Smith,	4413	H Wagner,	547
J Clark,	4413	J Cunnington,	547
Thos McKean,	4412	Jas Stevens,	549
H Grow,	4410	D C Butterfield,	547
Marshal:		**Marshal:**	
J D T McAllister,	4405	D R Firman,	549
Treasurer:		**Treasurer:**	
P A Schettler,	4412	S G Raybould,	548
Recorder:		**Recorder:**	
R Campbell,	4413	W P Appleby,	545

Scattering votes. For mayor, R. H Robertson, 1. For aldermen, first ward, J. K. Trumbo 1; second ward, George Boswick, 1, third ward, Henry Brown, 1; fourth ward, L. W. Hardy, 3, fifth ward, L. B. Groo, 1. For councilors, J. G. Spatt, 1; A. P. Saunders, 1; Wm. Cogan, 1; A. C. True, 1; J. G. James, 1; R. N. Baskin, 1; A. G. Paddock, 1; Nelson Holquest 1, Andrew Vinquest, 1 For marshal, Henry Heath, 1, Burr Frost, 1; Albert Dewey, 1; ——— McKelly, 1. For treasurer, J. Villetoe, 1. T A. Jenney, 1.

ROBERT CAMPBELL,
City Recorder.

AN INQUIRY BY TELEGRAPH.—The following was received this morning by Deseret Telegraph line:

Payson, 13.—Would it not be legitimate for our Legislative body to appoint commissioners to enquire into the obviously one sided judicial acts of our judges, and ascertain the approximate loss their bias and their neglect of the civil calender have had on the mining, mercantile and railroad enterprises of the Territory? Also about the unwarrantable writs of *habeas corpus*, the Baker perjury case, the numerous mail irregularities, and other matters in which Utah is immediately, and the nation indirectly, interested, and report the same to the world through that body officially? Congress appoints similar commissioners for similar purposes, and why not other legislative bodies do so?

JUSTICE.

COAL DISCOVERIES.—We have been shown, by Mr. David Candland, who lately returned from a visit to Sanpete, some excellent specimens of cannel coal, which were from a very extensive bed discovered a short time since by John Tidwell and son, of Mount Pleasant. The discovery is a short distance from that settlement, and the deposit is said to be almost exhaustless.

Instead of having to sink shafts to get the coal out, it will be obtained by tunneling into the side of the mountain.

Mr. H. B. Clemons, of Coalville, has discovered a coal deposit between Coalville and Echo. The vein is three feet thick and, as far as can be ascertained, extends over a mile in length. The specimens we have seen from this discovery are also very good

FROM WEDNESDAY'S DAILY.

TO EXPLAIN THE CONDITION.—The *Alta California* says of the Japanese Embassy at Salt Lake, "It is to be hoped they have in their *suite* a competent Philadelphia lawyer, to explain to them the condition of affairs in Mormondom just at present."

TRIPLETS.—Bishop F. A. Hammond called in on Monday, and stated that Mrs. Hoagstead, wife of H. C. Hoagstead of Huntsville, presented her astonished spouse with two girls and a boy at a single birth on Sunday afternoon. Mother and triplets are doing well. He didn't say how the father was doing.—*Ogden Junction*, Feb. 13th.

THE LOGAN FIRE.—By a later dispatch from Logan, received by Hon. Moses Thatcher, we learn that not only the building of W. H. Sherman was destroyed by the fire at Logan, but a quantity of produce belonging to the Utah Northern R. R., and wheat and goods belonging to Mr Thatcher amounting in value to upwards of four hundred dollars were consumed.

THE OLDEST PIONEER.—The Oakland *Transcript* of Feb. 12 notices the death at San Francisco, Feb. 10, of Captain J. R. R. Cooper, aged 80. At the time of his death he was the oldest resident pioneer of California. He visited California in 1823. He was a native of the Alderney Islands.

UTAH COUNTY VOTE.—We are informed by L. John Nuttall, Esq., that the entire number of votes polled in Utah County for the election of Delegates to a Convention to draft a State constitution, and to take other steps with a view to the admission of Utah into the Union, was 2,975.

The election passed off quietly. Only seven votes against the Convention were polled in the whole county.

THE BLOCKADE.—The following was received by W. U. Telegraph:

CORINNE, 13th, 8:30 p.m.—Bitter Creek reports state that no trains have passed there yet, and that they are still near Separation.

Some passengers, to-day, walked to Washakie, and an engine and car are going down after them now.

Salt Lake City, February 12th, 1872

OPHIR, U., 13.—At old Camp Floyd, yesterday evening, J. Cunnington shot and killed George Williams. Both parties are from Lewiston, Camp Floyd. The cause of the affair was a dispute about the arrest of McKinney, for cutting Geo. Passag with a bowie knife at the latter place a few days ago. Williams first shot at Cunnington, the balls taking effect on the latter's fingers. Cunnington then drew a revolver and fired, the ball entering Williams' left breast and killing him instantly. Cunnington immediately gave himself up to the authorities and is now under arrest.

SCOTCH OATMEAL.—Mr. George Goddard states that people are constantly calling on him for Scotch oatmeal. He has endeavored several times to get a good article of the kind from the east, but that manufactured in the States is generally inferior. Other provision dealers are constantly applied to for good oatmeal, and could a good quality of the article be obtained in this market it would find a ready sale.

We do not see any reason why it should not be manufactured here. The oats raised in this region are of good quality, and it would really be a boon to those who have been under the necessity of using it for health considerations. Who will be the first to make and bring it into market? Hundreds of people here are longing for "parritch."

IN THE EAST.—By a letter to Elder A. C. Brower from Elder A. W. Sabin, dated Greenbulab, Sheboygan County, Wisconsin, January 12, we learn that Elder Sabin had been in that County about five weeks. He had visited Fond du Lac, Sheboygan City, Sheboygan Falls, Cascade, Plymouth, St. Cloud, Forest, and Grenbush, and found some friends everywhere. Some gentlemen were pleased to hear him, inviting him to their homes for conversation. The people were mostly Spiritualists though some were Second Adventists, and "all hard customers." One old lady wouldn't go to heaven if she had to be in the company of the old Patriarchs, nor into the New Jerusalem if the names of the twelve polygamic sons of Jacob were inscribed on the gates.

MAJOR POWELL.—We had a pleasant call this morning from Major Powell, the Colorado explorer, who arrived in town on Monday night. He is well and hearty. He left his party at the camping ground, about six miles south of Kanab, to which he intends to return in a short time.

We learned from him the following particulars concerning his late operations:

He has been engaged this winter establishing a meridian base from Kanab south, and erecting monuments, on conspicuous points, one hundred miles from that place, in every direction, making a topographical map and examining the geology of that region. Artesian wells could be made in that district of country, which would render it available for isolated farms and ranches, but not so much so for settlements, as there are no considerable running streams of water, excepting the Kanab. There is a plentiful growth of good pine timber in the mountains.

Placer gold has been found in many places on the Colorado. The gold is very fine, but it is not yet known whether it would pay for working.

The weather has been very fine, and could not have been more favorable for the operations of the exploring party. Winter is the best season for such work, there being no difficulty then in obtaining water.

Major Powell was on the Colorado, at the mouth of Kanab Creek, during Christmas week, where, at that time, the grass was green and flowers were in bloom.

FROM THURSDAY'S DAILY.

CORRESPONDENCE.—It is always gratifying to us to receive correspondence upon any important and pertinent topic, but publication of any letter will be much more likely if the following rules be observed—

Study to be as brief, pithy and concise as the nature of the subject will reasonably allow. A short letter has a much better chance of publication than a long one.

Write legibly, especially names and dates.

Avoid personalities, as a general thing.

Write on only one side of the papers, as the manuscript has frequently to be cut up and distributed among several compositors, and when both sides of the paper are written upon it is very inconvenient and often exceedingly troublesome.

AT A STANDSTILL.—It appears mining interests are not progressing in and around Ogden. Hear what the *Junction* says on the subject:

"The mining interests of Ogden are at a stand-still. There is no necessity for this. While deep snows have barred the way to the earth's treasures southward, the Ogden hills have been comparatively bare, and work could have progressed in many places all winter. What will the Spring do? Unless some change in our past tactics is inaugurated, no Season will bring forth anything but dissatisfaction. Mr. Oscar Ludwig, of the Register Smelting Works, called yesterday and proposed a co-operative plan for the development of our mineral resources, as follows:

"'Let all the miners in the district combine to develop a single lead, to be selected by a chosen committee. Let the owners of the lead be compensated for any work already done by them upon it. Then let each miner pay into a common fund what he can afford for the working of the selected lead, and when it is sufficiently developed to prove its value, let it be sold to the highest bidder, and the sum realized be divided according to the amount invested by each person. If it is not worth anything, loss will be small to each investor. The Register Smelting Company offer to do the assaying gratis to forward such an enterprise.'"

ENVIOUS.—The Gold Hill *News*, though usually moderate and reasonable in tone, must have been troubled of late with a little of that cardinal sin, envy, for it is indignant at Minister DeLong hastening with the Japanese Embassy through Nevada, "the field of his own greatest renown." Instead of showing them "the greatest, the most extensive silver and gold mines in the known world," "powerful mining works and mills," "the most energetic and enterprising community," Mr. DeLong hurries forward to Salt Lake, and shows the Embassy, according to the *News*, a great continental highway, the "highway of nations," impassable in the winter, "a peculiar people" amid our boasted American progression clinging fast to one of the most "relics of barbarism," a rich agricultural and mineral territory kept out of the Union by that domestic institution, which permits a woman to marry the man of her heart, while those whom she does not want to have may do without her, a people whose religion is not the same as every other in the land, and a chief citizen against whom certain charges have been hatched out by those who wish they were true.

Our Gold Hill contemporary is not accustomed to manifest such a serious disturbance of his equilibrium, and if he will only put his feet, if not his whole body, into warm water, take an antibilious pill or two, and retire to his virtuous couch, probably within twenty-four hours thereafter his equilibrium will be restored and he will neither manifest nor experience further unpleasantness toward minister DeLong, the Japanese, the Pacific Railroad, the "Mormons," or the rest of mankind.

EDITORIALS.

THE ideas expressed concerning, and the course of conduct adopted by different parties towards, the "Mormons" open a wide field for observation and reflection. Some of those ideas and some of the conduct but too often evinces an amount of bigotry and fanaticism that is really deplorable. One of the worst features connected with many of the traducers and accusers of the "Mormons" is that they appear to be utterly oblivious to the fact of their continually manifesting the bigotry and fanaticism which they so readily ascribe to the "Mormons." While on this subject it may not be necessary for us to point out any particular or notable instances for the verification of the truth of what we now advance; still it may not be out of place to ask whether recent occurrences would or would not justify an individual in taking the position that the course of certain officials has proved them to be imbued with as much fanaticism, bigotry and jesuitism as could well be crammed into any other specimens of the *genus homo*.

We add jesuitism because when an individual has pre-determined the attainment of any particular object, and in his efforts for the accomplishment of that object manifests unscrupulousness of conduct, it may be justly concluded that that individual works upon the hypothesis that "the means justifies the end," which is understood to be the doctrine of the Jesuits. Taking the downfall of "Mormonism" as the object desired, could certain officials have manifested any greater amount of bigotry than they have, or could they possibly have shown themselves any more jesuitical than they have done in their efforts to destroy the religious and civil liberties of the Latter-day Saints? An analysis of their conduct would almost lead one to the belief that they had been endeavoring to demonstrate on what a small amount of principle they could manage to subsist.

It is a correct principle, one that should always be acted upon, that men should not attempt to abolish or destroy a system of things until they have devised or discovered a superior system with which to supply the place of that they desire to become extinct. Now "Mormonism" has proved to be beneficial to its adherents, and as it has proved beneficial so far as the influence of its principles have already extended, were the application thereof extended an hundred or a thousand fold the benefits derived would be the same, and in a proportionately wider and more happy-fying degree.

"Mormonism" has gathered together its thousands of votaries, and built up a happy, virtuous and orderly community. Heretofore the people of Utah have had the reputation, and deservedly, of being the best ordered body of people extant; but already the scene begins to change, so far as this City is concerned, at least, and the change, it is needless to say, is for the worse. Those who are so anxious that "Mormonism should be extinguished are not animated, therefore, with that anxiety because they have a better system of religion to offer, for that would be impossible. Most of those who are working against the interests of the "Mormons" either directly or indirectly, encourage the unhappy change in the aspect of matters generally here.

Some try to justify themselves in their efforts to stifle the exercise of religious liberty by the "Mormons" on the ground that the principle of patriarchal marriage is opposed to the laws of the country. This is a flimsy excuse and a false position. It is true that a law, if such it may be called, was passed by Congress in 1862, for the suppression of polygamy in the Territories, but this brings in the question as to the right of Congress to pass such a law, for as the Constitution provides that Congress shall make no law that will interfere with the religious liberties of the people, the law is unconstitutional, and consequently, in reality, no law at all.

Some parties have gone so far as to say that plural marriage is not a religious principle. This of course is the extremity of foolishness. If a man is to be told what he shall or shall not embody in his religious faith and practice, how much liberty does he enjoy? None, whatever. If the Latter-day Saints say that plural marriage is a part of their religion, who has a right to say that this is not a part of their religion? Making swelling pretensions of allowing religious freedom to all and then practically prescribing religious limits is, to say the least, hypocritical in the extreme, and excessively tyrannical.

Were this matter tested in a fair, open and above-board manner, there would be no reason for "Mormons" to fear the result, as such a test would, of course, result in their favor, they being on the side of right and the Constitution. Certain officials seem to be as conscious of this as ourselves; and so, instead of acting in a straightforward, honest and conscientious manner, must needs, in order to carry out their nefarious designs, twist and manipulate Territorial statutes to bring them to bear on certain cases foreign to the intent of such laws. This is a sneaking course, and altogether unworthy of men who make any pretensions to fairness of conduct. It smacks too much of the tricks, comparatively speaking, of the cowardly, skulking Indian, who instead of choosing to meet a person, whom he had singled out as his enemy, openly and on fair ground, lies in ambush and endeavors to pick off his unconscious mark from behind a tree, a bush, or a hillock.

Those who by any means whatever seek to take away a people's liberties are the next of kin to murderers. The difference is that the latter destroy human life, while the former, had they the power, would destroy that which makes human existence desirable, for what is life without liberty, glorious, untrammelled liberty?

So far as we are concerned, we see no reason why the Latter-day Saints should cringe, or bend, or yield up their religious freedom, and so far as we know they have no intention of doing so.

Territorial statutes may be twisted to a misapplication of their true intent, and divers cases may be ingeniously hatched and numerous other means may be used to annoy, vex and irritate the Latter-day Saints into the committal of some overt act, but the people have had an experience which has taught them wisdom and forbearance, and to trust in God who will bring them triumphantly out of every difficulty.

There are persons, doubtless, who laugh at the idea of people trusting in God in such matters. They think it foolish to look confidently to the Almighty for succor. We think, however, that those who rely upon such a reliable source show their good sense, and that they will by no means be disappointed in their expectations.

HENRY SMITH, of Albany, was elected Speaker of the House in the New York State Legislature. Henry Smith took the chair and made a speech of a radically reformatory nature, of the following character—

More work and less play.
Continuous session.
No recess.
No going home to see your wives and split kindling wood.
Work every day.
That's the only way to produce short sessions.
Too many office seekers around the Capitol.
Better go West and eat potatoes on shares.
Hanging around the Capitol makes men idle.
Offices not created for any such purpose.

Now if Speaker Smith spoke thus just to unburthen and satisfy his conscience and please grumblers and other folks inclined to be or professing to be tolerably honest, he may get along. But if he spoke his real feelings and meant what he spoke, and means to stick to it, he is likely to have a rough time, for the same authority that tells us of his speech also tells us that at the caucus of the Republican members held in the Assembly chamber, "every office-seeker in the State was on hand, with four cousins and two uncles to assist." Does anybody think they are going West to eat potatoes on shares? Not unless they can impose themselves upon one or other of the Territories, in some sort of official capacity, which heaven forbid. Too many here of that sort already.

THE Sacramento *Reporter* catalogues the political conventions on the calender like this—

Democratic State Convention, New Hampshire, Feb. 6, that's to-day: Governor Weston probably renominated.
National Labor Reformers' Convention, at Columbus, Ohio, Feb. 21. Julian probably nominated for President.
Radical State Convention, Indiana, Feb. 22.
Democratic State Convention, Oregon, April 10.
Radical State Convention, North Carolina, April 17.
Conservative State Convention, North Carolina, May 1.
National Mass Convention, of Liberal Republicans, at Cincinnati, May 1. Anti-Grant candidate, either Trumbull, Julian, Gratz Brown, or Governor Palmer of Illinois.
"Grantic National Convention of office-holders and brothers-in-law," more reverently speaking the Grant wing of the Republican party, at Philadelphia, June 5.
Republican Executive State Committee, Texas, at Houston, second Tuesday in June (1).—To nominate State electors for Presidential election.
Last but not least we may mention the People's State Constitutional Convention, at Salt Lake City, Feb. 19.

COMMENTING upon Utah affairs, the San Francisco *Examiner* talks on this wise—

We think the easiest remedy is the admission of Utah as a State, with a clause in its Constitution declaring that the practice of polygamy thereafter shall be felony, preventing holding office, the transfer of property or the exercise of any civil right. As regards what occurred prior to the adoption of the Constitution, a clause could be found to settle the rights of children and the division of property. Congress could insure Utah the representative population in less than six months by now passing an enabling act setting forth that when Utah adopted a constitution containing certain provisions as now determined by Congress, she would be admitted. An act of this kind would seal the fate of polygamy and restore in a prompt manner one of the richest mineral regions of the world to morality, happiness and prosperity. It would also end the reign of licentiousness which has maintained an organized existence in a vast Territory, with the sanction of local law, for more than twenty years.

There are several things in the above paragraph in which we cannot agree with the *Examiner*, and we are quite as much interested in Utah affairs as the *Examiner* possibly can be.

True enough, the easiest remedy for many evils would be the admission of Utah as a State, such evils as an unjust judiciary, and the deprivation of the people of the Territory of many of the rights of American citizens.

It would be satisfactory enough to us if Congress would pass an enabling act for the admission of Utah. As to the kind of constitution required for such admission, the Federal constitution has these express directive provisions—

New States may be admitted by the Congress into this Union.

The United States shall guaranty to every State in this Union a republican form of government.

A constitution republican in form and clearly constitutional in letter and spirit would be more than likely to meet with the approval of the people at large in this Territory and should meet with the approval of Congress.

There is no justification for "declaring that the practice of polygamy thereafter shall be felony," etc. Morally polygamy is no crime. Technically it can be made a crime only by violating the convictions of four-fifths of the human race now existing, and the convictions of the chief nations of antiquity. To punish and prescribe for plural marriage is contrary to morality, contrary to the Bible, and contrary to good statesmanship.

An act prescribing such marriage would not restore "morality, happiness and prosperity," nor "end the reign of licentiousness," as the *Examiner* well knows. On the contrary, such an act would encourage "a reign of licentiousness," and destroy "morality, happiness, and prosperity," in a Territory where the former never did reign, but where the latter have prevailed to a remarkable degree.

When the *Examiner* states that "the reign of licentiousness has maintained an organized existence" in Utah, "with the sanction of local law, for more than twenty years," the *Examiner* states a barefaced lie, and what it knows to be a barefaced lie. It is well known to every candid observer that there has been less licentiousness and more morality in Utah than in any other State or Territory in the Union. It is also getting to be well known that licentiousness has been pushing into organized existence here the last year or two because it has been inaugurated and established and sanctioned and sustained by those very persons most rabidly opposed to the system of plural marriage.

AMERICA is a proud nation, and, doubtless, there are some things of which it may have reason to be proud, but there are numerous other things for which it should put on sackcloth.

In some matters the nation has been, for some time, taking a downward tendency. One reason for this declination is that America is essentially a nation of politicians. There could be no objection to this, provided that policy were always consonant with sound principles, for if this were so the tendency of the nation would be progressive and upward, instead of downward and retrogressive. But it is the general rule for politicians to work to the interests of party at the sacrifice of the principles of justice and equity.

There is scarcely a surer sign of a nation's tendency to decay than to see corruption in the administration of the laws. It is indeed a pity that judicial and other legal responsibilities should be placed on the shoulders of truckling politicians, who let party motives sway them when official duties call them to act in matters wherein party interests are at stake. And even aside from political considerations, numerous instances could be cited wherein vast legal questions have been directed into desired channels by the magic influence of mammon.

An upright judiciary is the bulwark of a nation, and when that becomes rotten it is a sure indication that the whole fabric will, sooner or later, fall to pieces.

The evidences of political and judicial corruption in the nation are far too numerous to mention. Affairs in South Carolina, New Orleans, Texas, the stupendous Tammany frauds, the custom house transactions, and numerous other little affairs in various parts of the Union indicate which way the wind blows.

With regard to the doings of official tricksters in this Territory, they are well known here, and every honest, sensible man can have but one opinion concerning them.

"ALL Europe is preparing for a revolution," says an exchange, and so it seems. Nor is the preparation confined to Europe. Just now there is a very pretty chance for a war between England and America, the bone of contention the Alabama claims, particularly that portion of the claims which is for "indirect" or "consequential" damages.

If the two great Anglo-Saxon nations have no more sense than to go to war, there is a very good opportunity brewing, but if they wish to avoid such a calamity, it can be easily done. Either England contravened the laws of nations, in regard to the *Alabama*, or she did not. If she did not, America should say no more about it. If she did, she should pay reasonable damages. Those damages it would be better, for several sufficient reasons, to be understated than overstated. If it is intended to push hard for indirect or consequential damages, it will be very easy to extend the quarrel until doomsday, and then have it further than ever from settlement.

SAN FRANCISCO and California have been for some time exercised upon the loathsome physical penalties of a certain evil, and a movement has been on foot to sanction the evil by licensing it, under the plea of reducing the prevalence of the physical effects. The S. F. *Call* says—

Mr. Wand, of the State Senate, has given notice that he will introduce a bill for licensing disreputable houses in this and other towns throughout California. This is one of those abominations which it is unpleasant even to discuss, yet strange as it may seem, there are men who advocate the passage of such a law. They would cause this and other cities in California to become sinks of iniquity. They would strive to make respectable that which is the disgrace of modern civilization.

The S. F. *Post* favors the idea of legislative sanction and thus takes the *Call* to task—

If this is not hypocritical cant of the worst and meanest sort, we have yet to see a specimen of the article. The *Call* knows that Mr. Wand and the gentlemen who advocate this measure, instead of wishing to make vice respect-

able and cause "this and other cities of California to become sinks of iniquity," desire to restrain an evil which already exists, and to lessen, if they cannot entirely destroy, the effects of a poison which is doing incalculable mischief. Prostitution exists—it flaunts itself openly in this and every other American city except Salt Lake, (where it will intrench itself as soon as the Mormons are subdued,) and it is the part of wisdom, if we cannot prevent it, to so regulate as to reduce its evils to a minimum. The regulation of prostitution is urged by the very highest authority both in morals and in medicine. These who know most about the subject are most solicitous in regard to it. The gentleman who has been most prominent in calling attention to the matter, Dr. Holland, is officially charged with the care for the health of the city, as a man is above reproach or suspicion, and as a physician stands in the very first ranks of his profession, while in the East and in Europe the regulation of prostitution is called for by the highest medical authority.

Exceptions must be taken to several things in the remarks of the *Post.* The regulation, that is, the legislative sanction, of prostitution may be urged by the very highest medical authority, but it certainly is not by the very highest authority in morals, for the reason that the highest authority in morals can not sanction the grossest immorality. Christian nations profess to base their morals upon the Bible, and we defy the very ablest advocate of licensed prostitution to advance one precept from the great teachers in that book to sanction the legalizing of prostitution.

The admission that prostitution flaunts itself openly in every American city, is an inexpressibly sad one, showing that there is something awfully rotten in the State.

The exception of Salt Lake only from such an awful state of things speaks volumes in favor of the social system that is favored here by the community.

The prophecy that this dreadful overshadowing evil will intrench itself at Salt Lake "as soon as the Mormons are subdued," is one of the most powerful arguments in favor of "Mormonism" that could be produced, and ought to be sufficient to convince every intelligent person that "Mormonism" possesses a power, for correcting the evils of society, which does not exist elsewhere on the earth, and should be a caution to all how they interefere with a system which has already produced such incalculably beneficial results.

Correspondence.

KANAB, Feb. 3rd, 1872.

Editor Deseret News:

Dear Sir—I first drew breath in the atmosphere which floats the banner of our great republic. In early youth my political faith was embodied in the maxim that "all men were born free and equal." I then believed that, within the pale of our own republican institutions was protection for the oppressed and the enjoyment of the greatest freedom compatible with the rights of others, and especially for all men to worship God according to their perceptions of his attributes, untrammeled by legislative enactments.

While contributing my mite in the contest with Mexico, towards redressing the wrongs of American citizens and enlarging the public domain, reports reached me, of the expulsion of the "Mormons" from Nauvoo, accompanied by the suggestion that they might perish in the storms of winter on the bleak prairies of Iowa. In the spring of 1849 I joined their fortunes by embracing their doctrines. The same season, in company with many others, I followed the trail of their pioneers across the desolate wastes, between the Missouri river and the shores of the Great Salt Lake.

The first object on the route, which particularly interested me, was a collection of dilapidated and tenantless cabins on the west bank of the Missouri river, near where the town of Florence now stands. On inquiry, I was informed that this had been the resting place of the "Mormons" after their expulsion from the beautiful city of Nauvoo, the rest denied them in their own homes, on the soil of Illinois, they had sought from the mercy of savages, beyond the confines of civilization. After a short respite, however, they were compelled by government agents to remove to the East side of the Missouri river.

Near this way-mark of civilization was a sepulchre, where rested, in the secure repose of death, stern and enduring manhood, elastic youth, and prattling innocence, alike the victims of relentless persecution. No substantial fence protected this humble mausoleum from the tread of the reckless emigrant, the prowling savage, and the wild beasts who found protection in the very desolateness of its surroundings. No costly monuments, with finely chiseled epitaphs, ornamented the grounds, and reminded the passer by that here rested the remains of the opulent and influential; but the humble condition of surviving friends was evident from the rude pieces of timber and the ill shapen stones, which occupied the heads of graves. These were, perhaps, sufficient to indicate the place where wounded affection might drop a few parting tears, when the still operative forces of persecution compelled the remnant of this shattered people to bid adieu to the resting places of departed loved ones, and seek a home in the solitudes of the great desert.

A fast age and the great continental railway are rapidly making the trail of the "Mormon" exodus to the interior of the continent a thing of the past; but the dusty road, the dreary plains, the rocky heights, the almost impossible cañons, the stampedes of cattle, the lurking savage, the nights of sleepless vigils, the days of watchfulness and of weary labor, the dying friend who had long hoped to enjoy a season of rest in a desert home, the grave by the way-side—hastily dug, but deep to protect the debris of humanity from ravenous wolves, will forever remain fresh in the memory of those to whom they have been a living reality.

On my arrival in Great Salt Lake valley, in the autumn of 1849, I found a destitute but cheerful people, struggling with the sterile elements for existence. Nature had poorly remunerated the labors of the husbandmen, the country was nearly destitute of game, and the scarcity of cattle rendered their preservation necessary for the future prosperity of the increasing population. The settlers were a thousand miles from outside resources, and necessity compelled the utmost economy in the use of food. Hoping for a better future with no other resources than their hands, and with their faith in their God for "the sheet anchor" of their existence, they were forced to organize the means of subsistence from the elements, and learn the invaluable lesson how to turn deserts into gardens and desolate places into fruitful fields.

Baptized in the fires of persecution, tempered to resist oppression and wrong to the limit of human endurance, practically outlawed, and expelled from the soil of Missouri and Illinois by their fellow citizens, for their religous belief, neglected by the general government, the principles of liberty and equality, embodied in the constitution of their country, have become indelibly stamped on their hearts by the brand of affliction and they will leave them as a sacred heritage to their children, that from the ashes of the republic may arise a more beautiful and permanent edifice of freedom, and that the skeleton of the Goddess of Liberty, whose flesh is being devoured by political cormorants, and whose comeliness is wasting away through domestic infelicity and social corruption, may be again clothed upon with beauty and majesty, and become the terror of the evil doer and a refuge of safety to the oppressed.

Modern history records no other instance where a people have accomplished such good results with such slender resources. While few communities, according to their numbers, have been of so much practical benefit to their country, fewer still have received so little care, and so many insults from their government.

Taught self-reliance by the necessity of self-preservation; accustomed to hardship and toil from the force of circumstances, indifferent alike to the attacks of slander and the sneers of contempt, through implicit confidence in the rectitude of their principles, they have thus far, in the end, been masters of every situation in which they have been placed.

When threatened, in the autumn of 1857, with invasion, for aggressive purposes, by one of the finest equipped armies that ever trod American soil, backed by the resources of a great nation, with a chief magistrate, towards whom no respect could be entertained, there was no shaking in the councils of the pioneers of the great desert. A few indomitable spirits occupied the defiles of the Wasatch mountains, and the fine military array soiled their plumes and froze out their enthusiasm in the rigors of a mountain winter, and gave the hero of the war, James Buchanan, time to discover his *folly.*

Whether unprejudiced observers believe the doctrines of the Latter-day Saints or not, they are compelled to admit that they have laid the foundations of a state in public virtue, and that they are purifying the fountains of life from the evils which are destroying the vitality of the human race. When the railway commenced to stretch its iron bands across the Continent, many believed "Mormonism" to be doomed. They expected to see it engulphed in the "cess-pools of sectarian Christianity." As the process of absorption, by the operations of the railroad, seemed slow, a clique of corrupt officials have been imposed upon the Territory, who have endeavored to force the long desired issue; but the Saints present that same calm, invincible front of resistence to the insults of tyrannical oppression that has ever characterized them. *They are still masters of the situation,* and will march on to the fulfilment of their glorious destiny with the firmness of inexorable fate.

Brought into direct contact with what, to them, has heretofore been the outside world, they are ready to meet the issue. They are ready to have the fruits of their polygamic social system compared with the results of monogamy. They are willing to bring their interpretation of the constitution of their country to bear on the perversions of political parties and the maladministration of corrupt officials, and to bring the principles of the Gospel, as taught by our Savior, in direct antagonism with the creeds of Christendom and the traditionary errors of ages. They are ready to prove by their works that religious liberty is not only a part of their civil code, but also of their religious faith, by the most uncompromising hostility to that intolerance which lit up the public gardens of pagan Rome with burning Christians, which filled the gloomy dungeons of the Inquisition with the victims of torture, which devastated cities and laid waste whole provinces, which slaughtered the Hugenots of France, and drove the Puritan fathers from Protestant England to the shores of the New world.

This spirit of intolerance which has descended from Pagan Rome, as a religious heritage, through the revolutions and changes of many hundred years, is culminating, amidst the enlightenment of the 19th century, in oppressing a people, whose motto is "peace and good will to all men," for following the practices of the patriarch and holy men of old.

History abundantly proves that the fires of persecution have invariably consumed the sanctuaries of those that lit them. The persecutions of the primitive Christians placed the cross instead of the eagles at the head of the Roman legions, instituted the image of the Virgin Mary for that of the goddess of victory, and relics of saints and martyrs for the numerous idols of heathen mythology, overthrew the magnificent edifice of pagan civilization, and erected on its ruins the bigoted rule of Roman Catholicism.

The persecutions of dissenters from the mother Catholic church has subjected the relics of saints and martyrs to ridicule, discarded the images of the Virgin and of the Cross, and overthrown the temporal power of the Roman Pontiff.

The revelations of heaven and the administrations of Joseph Smith have introduced into the creedism of this age the same gospel which Jesus promulgated amid the Paganism of Rome, and the burning rage of that intolerance which has ever followed the Saints has lit the funeral pile of sectarian creeds, *and the end is not yet.*

JAMES A. LITTLE.

GUNNISON, Feb. 7, 1872.

Editor Deseret News:

Some Indians in this neighborhood seem inclined to be troublesome. They have driven off some of our co-operative stock. Still, so far as known yet, we have received it again, except a span of horses belonging to this place. A young man was out hunting a horse yesterday, when three Indians fired at him, one bullet whistled through his hat. He returned their firing, with what result is not known, but everybody living on the frontiers will do well to look out for themselves and their stock.

I have had several returns of mail to this office. Letters sent from here the mail day before, have come again two or three days after, having gone no further than to our nearest neighboring post office. Your brother,

H. THURNHOM.

THE "JUVENILE INSTRUCTOR."—There is every prospect now that this favorite among the juvenile population of the Territory will henceforth be issued with regularity. The delay which has occurred during the past few weeks, has no doubt been annoying to the subscribers, but, owing to the blockade of the road, it has been utterly unavoidable. The paper upon which the *Juvenile Instructor* is printed is of a finer quality than can be manufactured in the Territory, it must be so on account of the engravings, and consequently has to be imported from the east. Last October an order was sent east for a supply of paper, with the expectation, and there was then every prospect of it, that it would be received in time to continue the regular semi-monthly issue; but the letter miscarried, and the order was not filled. When the paper manufacturers east were again written to, the paper was forwarded, but it was caught in the blockade, and is still detained at some point between this city and Omaha. Paper has since been procured from California, and as type for two or three numbers of the paper was set before the arrival of the paper, the numbers will now be issued as rapidly as possible until up to date, and then regularly afterwards. The delay has been annoying, but to none so much as to the editor, and as the subscribers will see that it has been unavoidable, he hopes this explanation of the cause of it will be satisfactory, and that his young readers will regard it as a sufficient excuse therefor.

To make home cheerful and attractive, all innocent arts should be resorted to —*Grace Greenwood.*

My Friend, stop that terrible cough, and thus avoid a consumptive's grave, by using Dr. Pierce's Golden Medical Discovery. For curing all throat, bronchial and lung diseases it has never been equaled. Sold by druggists.

t3 w21w e

DIED.

Feb 7th, in the 20th Ward, MARY JANE, daughter of Mark and Bithiah Lindsey, aged nine weeks

In this city, on Saturday the 3rd inst., of diptheria, MORONI BARHAM son of John and Caroline Gunn, aged 5 years, 8 months and 3 days.

Mill Star, please copy.

In Grantsville Jan. 28th., of general debility, Mrs SARAH LISHMAN, aged 75 years, and 28 days.

Deceased was baptized in Lancaster, Lancashire, England, in the winter of 1841, emigrated to Utah in 1854.

She died full of faith and hope in the Gospel. [COM.]

At Holden, Millard County, Feb. 4th., MATILDA, wife of Wm. Stevens, sen., and daughter of Austin Yancy and Myrum Gibes

Deceased was born in Kentucky, Jan. 26th. 1803, joined the Church in the southern part of Illinois, came to Council Bluffs in 1848, emigrated to Utah in 1850.—[COM

NOTICE!

U. S. LAND OFFICE,
SALT LAKE CITY, UTAH,
Jan. 2, 1872.

Complaint having been entered at this Office by Homer Boughton, of Salt Lake County, Utah, against John Lovindahle for abandoning his Homestead entry No. 712 dated Aug. (26) 1870, upon the South East ¼ of South West ¼ and Lot No. 2 Sec. six (6) and Lots No. 1 and 2 of Section seven (7) Township 3 South Range one (1) East, in Salt Lake County, Territory of Utah, with a view to the cancellation of said entry. The said parties are hereby summoned to appear at this Office on the 26th day of February, 1872, at 10 o'clock a. m., to respond and furnish testimony concerning said alleged abandonment, and also John Wilson who filed D. S. No 2009 for Lots 3 and 6 and South East ¼ of North West ¼ and North East South West ¼ Sec. six (6), 3, South 1 East, is hereby notified to appear on that day and show cause why said filing should not be cancelled.

GEO. R. MAXWELL, Register.

d521 w61 3

SEALED PROPOSALS.

WILL be received by the County Court of Utah County, U. T., until 4 o'clock p. m., of Saturday, March 2nd, 1872, for furnishing the bricks, sand, lime, finishing lumber, lath, nails, hardware, &c., required in the erection of the County Court House at Provo City; also for the mason and carpenter work, plastering, painting and other labor required in said erection.

The building to be 50 feet square, two stories high, Hip roof, with observatory in centre. Portico over the front entrance with Ionic pillars and finish. To be built and finished on the foundation now completed, and as per plans and specifications at the County Clerk's Office, Provo City.

Bids to be directed to the County Clerk at Provo, and be endorsed, "Proposals for Court House," and be accompanied with the names of good and sufficient sureties.

Bids will be considered for the whole or in part. The Court reserving the right to reject any and all bids

The whole building to be completed as shall be prescribed by the County Court at its March term 1872.

Payments to be made, one third in cash, one third in grain at such rates as the county receives it, and one third shares in Provo Woollen Factory. Provided, that the County reserves the right to pay cash in lieu of grain for the one third payment.

By order of the County Court.

L. JOHN NUTTALL, County Clerk.

Provo City, February 5, 1872. d474 w2 3

THE TERRITORIAL LEGISLATURE.

Monday, Feb. 12.

COUNCIL.—Council met pursuant to adjournment.

Councilor Woodruff, from committee on Agriculture, Trade and Manufactures, reported back "an Act for the protection of game and fish, and defining the duties of the County Courts in relation thereto," with amendments, and recommended its passage. Passed.

The House amendment to the "Joint resolution to defray certain incidental expenses of the Legislative Assembly," was not concurred in, and Councilors Jennings and Bigler were appointed to act with a like committee from the House in relation thereto.

On motion of Councilor Woodruff the Council took recess till 1 p.m.

1 p. m.

Council resumed its session.

Councilor Bigler presented petition of Joel Grover and 136 others, citizens of Juab County, praying for the establishment of a free school system, which was read and referred.

Councilor Jennings gave notice that to-morrow he would introduce a bill for "an Act providing for granting licenses to persons engaged in certain kinds of business." Leave granted.

"An Act to amend the Charters of the incorporated cities of the Territory of Utah," was referred.

On account of the sickness of Councilor Harrington, the President appointed Councilor Jesse N. Smith to act with said committee.

"An Act authorizing the Utah Southern Railroad Company to close the State road at the point of the mountain," was passed.

"An Act concerning the property rights of married persons," was read and concurred in.

"An Act to amend an act entitled an act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," was read and laid on the table to come up in its order.

Councilor Cannon presented the following:

Mr. President—We have now in our capital city a distinguished Embassy, the members of which are leading princes of the Japanese Empire. Through the statesmanlike conduct and remarkable ability of our minister to the Court of the Mikado, Hon. Charles DeLong, these gentlemen have come from their ancient and renowned nation, which, for long centuries, has sustained its reputation as the most progressive and enlightened power in Asia, to visit our land first before going to Europe, to examine our institutions, to study our polity and to gather all the knowledge possible of our manufactures and commerce, of our system of government, our laws and their operation and effect upon the people. The object of their visit is a worthy one, and in making it they evince a desire for improvement; which, in view of the fact, that, for upwards of 2,500 years, according to authentic records, their system of government has been maintained, other nations might, without loss of dignity, imitate.

I motion that a committee be appointed upon the part of the Council, to act with a like committee upon the part of the House to draw up a document on behalf of our constituents, the people of the Territory, expressive of our admiration of the liberality and spirit of progress which prompted the appointment of an Embassy composed of such eminent and enlightened princes, and to express to them our warm feelings of welcome to our land. Carried.

The President appointed Councilors Cannon, Woodruff and Thatcher, said committee.

"An Act to prescribe the manner of conducting criminal proceedings," was called up, and its second reading by sections resumed, commencing with Section 124; pending the reading of section 173 the bill was laid on the table to come up in its order.

The joint resolution authorizing the Agricultural Society to hold a fair, was passed.

On motion of Councilor Lot Smith the Council adjourned till Tuesday at 10 a.m.

Feb. 12, 1872.

HOUSE.—The Committee on engrossing reported back the bill for an Act concerning the property rights of married persons, which was read and passed.

The Committee on private incorporations reported back the bill for an Act to amend the Act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits, and recommended its passage. Passed.

Mr. Callister introduced a bill for an Act amending certain Acts providing for poll tax for road purposes; read and passed.

The Committee on claims reported adversely to the claim of J. W. Fox, Surveyor General, for money paid by him for a plot of Ogden City; report endorsed.

The ex-assessor and collector of taxes in Davis county petitioned for a remittance of delinquent taxes which had accumulated during eight years, with an endorsement by the Auditor of public accounts that it would be an act of justice to so remit; read and referred.

A bill for an Act to enable the Municipal authorities of St. George to enforce their water regulations, was presented by Mr. J. W. Young; read and referred.

The Committee on mineral resources reported back the bill for an Act to provide rules for the working and development of mines, with amendments, which were adopted.

Messrs. Richards, Taylor and Thurber were appointed House portion of joint committee to draft a testimonial for presentation to the Japanese Embassy.

Adjourned till Tuesday at ten a. m.

Feb. 13.

COUNCIL.—Council met pursuant to adjournment.

The House amendment to "an Act for the protection of game and fish and defining the duties of the County Courts in relation thereto," were read and concurred in.

"An Act to amend an Act entitled, an Act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," was taken up and passed.

Councilor Jennings presented a bill for "an Act providing for granting licenses to persons engaged in certain kinds of business," which was read and passed.

On motion of Councilor Lot Smith, the Council took recess till 1 p. m.

One p. m.

Council resumed its session.

"An Act amending certain acts providing for poll tax for road purposes," was taken up and amended. The title was amended to read "an Act amending an Act providing for poll tax for road purposes."

Councilor Smoot, from Committe on Municipal Corporations and Town Sites, reported back "an Act to amend the charters of the incorporated cities of the Territory of Utah," with amendments, and recommended its passage as amended. Further amended and passed.

"An Act for the protection of elk, deer, antelope and mountain sheep," was read and passed.

"An Act incorporating Kaysville City, in Davis county," approved February 13th, 1868, was read and referred.

On motion of Councilor Jennings, Councilor Lot Smith was added to the committee for the consideration of this subject.

Councilor Smoot, from Committee on Judiciary, reported back "an Act prescribing a summary mode of procedure, for the recovery of the possession of real property, forcibly or unlawfully withheld," without amendments, and recommended its passage. Laid on table.

Councilor Jennings, from Special Committee, reported back "an Act authorizing and requiring the Auditor of Public Accounts to procure a seal," amended, and recommended its passage as amended. Recommitted.

"An Act amending certain charters of incorporated cities," was read and passed.

"An Act to amend an Act incorporating Ogden City," was referred.

On motion of Councilor Jesse N. Smith the Council adjourned till Wednesday at 10 a. m.

Feb. 13, 1872.

HOUSE.—The committee on roads, bridges, &c., reported back the petition of Moses Gifford and 150 others, praying for an appropriation to erect bridges over the Sevier river in Sevier county, with the statement that in their judgment one bridge should be erected at present, and recommended that $1000 should be appropriated therefor; report endorsed.

Mr. Farr presented a bill for an act to amend certain charters of incorporated cities of the Territory of Utah; read and referred.

Mr. Rockwood presented a bill for an act for the protection of Territorial officers in the discharge of their official duties, and persons from malicious prosecution or persecution; read and referred.

The committee on claims, &c., reported in favor of appropriating four thousand dollars to the Salt Lake city hospital and insane asylum; $2000 for 1872 and $2000 for 1873; report endorsed.

Mr. Callister presented a bill for an act for the protection of elk, deer, antelope and mountain sheep.

The bill for an act providing for granting licenses to persons engaged in certain kinds of business, was taken up and passed.

The committee on municipal corporations reported back the bill altering the boundary lines of Kaysville City, which was passed.

Adjourned till 2 p m.

Feb 14, 1872.

HOUSE.—The bill for an Act limiting the time of commencing civil actions was taken up on its second reading. The question of reading the bill the third time was negatived.

The Committee on Elections reported the number and kind of officers to be elected by joint vote of the Assembly; report referred back.

The Governor, by messages, informed the House of his approval of the following bills:

An Act further defining the duties of the Superintendent of the Salt Lake and Wanship Wagon Road, &c.

An Act authorizing the erection of County jails and defining the duties of the officers thereof.

An Act authorizing the Utah Southern Rail Road Company to close the State road at the point of the Mountain.

The bill of Drs. Anderson, Richards and Benedict for medical opinion as to condition of rooms prepared for meeting of assembly, amounting to $15, was read and referred.

The bill for an Act relating to the discovery of gold and silver quartz lodes, was reported upon adversely and laid on the table indefinitely.

The bill for limitation in criminal actions, was passed.

Adjourned till 2 p. m.

Feb. 14.

Council met pursuant to adjournment.

Councilor Woodruff moved that the appropriation for building a bridge across the Sevier river be increased from $1,000 to $2,000, and that the committee be instructed accordingly. Carried.

Councilor Smoot, from committee on municipal corporations and townsites, reported back "an Act to amend an act incorporating Ogden city," without amendments, and recommended its passage. Report accepted.

The following was received and read:

EXECUTIVE DEPARTMENT,
Salt Lake City, Utah Territory,
Feb. 14, 1872.

Gentlemen of the Legislative Assembly:

I herewith return to the House, in which it originated, "an Act entitled an act concerning the property rights of married persons," without my approval.

[Signed,] GEO. L. WOODS,
Governor of Utah Territory.

A message was also received from Governor Woods, signifying his approval of "an Act establishing district and precinct pounds, and prescribing regulations for conducting the same, and for disposing of estray animals."

A communication was also received from his Excellency the Governor, in relation to the nomination of certain officers, which was read, and referred to committee on elections, and the House was requested to instruct a like committee to act in conjunction with the committee from the Council.

On motion of Councilor Woodruff, Councilors Jennings and Jesse N. Smith were added to said committee for the consideration of this subject.

Councilor Jennings, from special committee, reported back "an Act authorizing and requiring the Auditor of Public Accounts to procure a seal," with amendments, and recommended its passage as amended. Report accepted, and title of bill amended to read, "An Act authorizing and requiring the Auditor of Public Accounts to procure a new Territorial seal, and an auditor's seal." Passed.

On motion of Councilor Smoot the Council took recess till 2 p.m.

Two p.m.

Council resumed its session.

Councilor Jennings moved that a committee of conference be appointed to take into consideration "an Act defining the time of commencing civil actions." Carried.

The president appointed Councilors Jennings and Jesse N. Smith said committee of conference.

Councilor Thatcher, from committee, reported the auditor's and treasurer's books correct, that the committee had canceled redeemed warrants, and that "the house committee will report an Act authorizing and requiring the Auditor of Public accounts, to call in, within a stated period, all outstanding warrants, and issue under his official seal, new ones instead thereof, and requiring the treasurer to procure a cancelling stamp with which to impress all redeemed warrants." Report accepted.

Councilor Lot Smith presented petition of James McGowan and 77 others, citizens of Bingham cañon, praying for the appointment of A. D. Heaton to the office of Notary Public, which was read and referred.

Councilor Smoot, from Committee on Municipal Corporations and Townsites, reported back "an Act to amend an act incorporating Kaysville City in Davis County," without amendments, and recommended its passage. Report accepted.

The House amendments to "an Act to provide rules for the working and developing of Mines," were read and concurred in.

The House amendments to "an Act authorizing and requiring the Auditor of Public Accounts to procure a new Territorial Seal and Auditor's Seal," were read and concurred in.

"An Act to amend an act incorporating Ogden City," was read and passed.

Communication from John Nebeker, Probate Judge of Kane County, tendering his resignation, and recommending the appointment of Joshua T. Willis as his successor, was received and read, and referred.

"An Act to amend an act incorporating Kaysville City in Davis County," was passed.

"An Act in relation to auditing accounts," was passed.

Councilor Jesse N. Smith, from Committee on Counties, reported back "An Act relative to the assessment and collection of school and other special taxes in certain counties of Utah Territory, substituting therefor "An Act further defining the duties of County and School District Collectors."

Councilor Jennings, from joint committee, reported back Joint Resolution to defray certain incidental expenses of the Legislative Assembly, with amendments, and recommended its passage as amended. Passed.

"An Act to prescribe the manner of conducting criminal proceedings," was taken up, and referred.

On motion of Councilor Smoot, Councilor Bigler was added to said committee, in the absence of Councilor Harrington.

"An Act extending and defining the boundary of Rich County," was read the first time and passed.

On motion of Councilor Wm. Snow, the Council adjourned till Thursday at 10 a.m.

2 p.m.

HOUSE.—House resumed its sittings.

Mr. Rockwood, from committee on Roads, Bridges, etc., reported back petition of Mr. Erastus Snow and 238 others, praying for an appropriation of one thousand dollars to be expended on the road between St. George in Washington county, and Kanab in Kane county, recommending that the Committee on Claims, etc., be instructed to insert said sum in the Territorial Appropriation bill, and that Mr. Daniel D. McArthur, of St. George, be the agent to let the contracts, accept the labor, draw and disburse the money as contemplated by law. Report accepted and Committee on Claims instructed accordingly.

Mr. A. P. Rockwoood, from committee on Roads, Bridges and Ferries, reported back petition of Geo. G. Snyder, claiming pay due for labor performed on Salt Lake City and Wanship Wagon Road, with recommendation that $220.88 yet due him be inserted in the Appropriation Bill. Report accepted and Committee instructed accordingly.

Mr. Thurber presented the claim of Auditor of Public Accounts for eight dollars, for printing 500 Auditor's Warrants. Referred.

On motion of Mr. Snow, Messrs. Taylor, Richards, Thurber and Rowberry were added to the Committee on Elections.

The Council amendments to "An Act authorizing the Auditor of Public Accounts to procure a Seal, were read and amended.

Mr. Pitchforth, from Committee on Printing, presented a bill for "An Act to provide for the printing, distributing and sale of the Laws and Journals of the Twentieth Session of the Legislative Assembly of the Territory of Utah," which was read the first time and laid on the table.

Mr. Thurber from special committee reported accounts of Auditor and Territorial Treasurer. Committee had also cancelled redeemed auditor's warrants.

Mr. Thurber from Committe on Revenue, reported for a bill for "an Act in relation to auditing accounts," a substitute and recommended its passage. Passed.

Mr. Pace, from Commitee on Counties, reported back a bill for "an Act extending and defining the boundaries of Rich County," with amendments, and recommended its passage. Second amendment not concurred in and bill passed.

Mr. Rich, from Committee on Claims, etc., reported back petition of Z. Snow, for services as Attorney-General of Utah Territory, as follows.

For Office rent for the years 1870 and 1871,	$ 400 00
For services for 1872,	1,000 00
For services for 1873,	1,000 00
	$2,400 00

Report adopted.

A bill for "an Act amending an Act entitled an Act authorizing and empowering the Secretary of the Territory to receive and collect fees in certain cases, approved January 18, 1861," was read and the enacting clause was stricken out.

Mr. Farr, from Committee on Judiciary reported back Territorial Marshal's report, after having examined the same and finding no law or rule applicable to that class of claims. Referred to Committee on Claims, etc.

Mr. Farr, from Committee on Judiciary, reported back a bill for "an Act for the prevention of frauds and perjuries," and recommended its passage. Bill rejected.

Mr. Rich, from Committee on Claims,

Continued on page 33.

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY

A FANATIC.—A Salt Lake correspondent of the San Francisco *Chronicle* says, "We find a fanatic on the Supreme bench of Utah in the person of Judge McKean."

GONE.—By the Carson *Register* of Feb. 11, we learn of the death of Mr Pallip Lynch, of the Gold Hill *News*, the day previous, after an illness of several months. Says the *Register*—

"Those who knew him intimately regarded him as 'a square man,' honest and fair, possessing many virtues that the public at large scarcely gave him credit for."

A BIG DIVIDEND.—A few days since the Moroni, Sanpete, Mercantile Co-operative Institution declared a dividend for the last six months, which amounted to eleven dollars on each share of twenty dollars. Notwithstanding this result, we are informed, by Brother John Kirkman, that goods have been sold there exactly at Salt Lake prices, although they had to be hauled such a long distance from this city. The large profits have arisen from the goods being sold for grain in Moroni and the shipping of the grain, in large quantities, to markets where it could be sold for a good price for gold.

In future the Co-operative Association there will probably modify the ensuing dividend by selling the goods still lower, or allowing a higher price to the people for their grain, and thus spread the benefits still further to non-share-holding consumers. The institution is the most commendable and useful which showers its benefits on the greatest number of people.

THE JUDICIAL MUDDLE.—Judge McKean of Utah goes to Washington immediately to explain the muddle which has arisen from his decisions, which have brought about the difficulty relative to Court expenses. Some Congressmen have refused to appropriate a cent for these expenses without an explanation. The original cause of the difficulty grew out of the decision some time ago, by which the District Court of the Territory was held to be exclusively a United States Court, instead of a Territorial Court for Territorial business, and a United States Court for United States business—as it has always been considered in all the Territories. If it is exclusively a United States Court, of course the Territory has nothing to do with the payment of its expenses, and refused to pay them. As the expenses have always been divided, the accounting officers at Washington refused to pay them. Hence the trouble. Judge McKean made this decision in order to rule out of Court the Territorial Attorney General and Territorial Marshal, who were Mormons, holding that the United States Attorney and Marshal were alone entitled to act in summoning jurors and prosecuting indictments.—*Carson Register.*

THE CONVENTION.—Next Monday the Constitutional Convention is expected to assemble in this city. The object of the Convention is to prepare a constitutional constitution with a view to the admission of Utah as a State in the Union, choose delegates to carry the same to Congress, and do all and everything that may be considered necessary or advisable upon such an important and popular occasion to further the purpose thereof, which purpose is to aid the natural and proper development of the community and to secure the full rights and privileges of American citizens to the members thereof, which they do not enjoy under the Territorial form of government and, so far as appears, they cannot enjoy except through a State government.

The pettifogging and pitiful objections to the holding of the Convention, expressed by the Governor and also manifested by a small clique of Judases, political adventurers, and other ambitious, unscrupulous, and intriguing individuals, are scarcely worthy of notice, much less of serious comment. They are so very narrow, bigoted, illiberal, and mean, exhibiting such a corrupt desire to manipulate and control the public affairs of the Territory, contrary to the well known and emphatically expressed wishes of the people, and this in a country the fundamental political doctrine of which is the sovereignty of the people.

In the convention will be assembled delegates from every county in the Territory, who may fairly be presumed to understand the feelings and wishes of their constituents upon the important subject concerning which the delegates will be convened. The expression of the Convention may therefore be safely taken as the expression of the desires of the people, and as such it will have a rightful claim upon the respectful attention and careful consideration of Congress and the public at large, and the judicious action of the former body, the representations, or rather misrepresentations, of a small and heterogeneous minority of growling and whining malcontents to the contrary notwithstanding.

From our knowledge of the character and sentiments of the people at large throughout the Territory, we are satisfied that the Convention will adopt what we have termed a constitutional constitution, one that will be a credit and an honor to them, and one that Congress can not, with the least shadow of reason, reject upon its merits as a republican form of government. This is all that Congress can constitutionally require, and Congress is as much bound to act constitutionally as the people are.

We do not imagine for one moment that the Convention will knowingly stultify itself by adopting any provision that will involve unconstitutionality or the sacrifice of sound principle. There is sadly too much of that prevalent already in high places in the nation. It is the business and the glorious privilege of Utah to stand forth boldly and unflinchingly, even if singly, solitarily, and alone, and maintain inviolate the principles of the Federal constitution, the principles of freedom, the principles of civil, political, and religious liberty, the right and privilege of every man or woman to develop his or her own agency untrammelled, provided he or she do not infringe upon the rights of others, the right and privilege of every man to worship his God according to the dictates of his own conscience, if not interfering with the exercise of the same right and privilege by others.

The times are ripe for the spectacle of a great and noble people manfully defending and living up to the true principles of liberty. An ensample of this kind is greatly needed to act as a check to the very general corruption of the day, to allure the better natures of the people therefrom, to inspire them with renewed confidence in truth, honesty, honor, integrity, and to furnish a new and irrefragable demonstration that righteousness is the right foundation for true greatness and unfading honor.

FROM SATURDAY'S DAILY.

GOT IN.—We were glad to meet our friend C. R. Savage to-day. He has been in the blockade for the last four weeks, and got in this morning.

THE JAPANESE EMBASSY.—Minister C. E. DeLong and the Japanese Embassy expect to leave this city immediately on the arrival of a handsomely fitted hotel car, which was to be sent from the east for their special use. It is expected that the car will arrive between now and Monday.

OBSEQUIES.—This morning the 11th Ward Meeting House was crowded with the relatives and friends of the late Bishop A. Hoagland, who had assembled to be present at his funeral services and to pay their last tribute of respect to him. Addresses eulogistic of the life and character of the departed were delivered by Elders Wilford Woodruff and John Taylor, Bishop E. Hunter and President D. H. Wells. The remains of the deceased were followed to the cemetery by relatives and friends in thirty one carriages.

FROM MONDAY'S DAILY.

BLOCKADED STILL.—The following were received by W. U. T.

Medicine Bow, 17.—No trains have arrived from either east or west. The trains that left Laramie on the 14th have not arrived at Miser. It is snowing and blowing hard.

Rawlins, 17.—The trains are still at Lookout, and have made no progress since yesterday. It is reported that the road is very bad, and there is but a very small force of men. The trains are not expected to arrive here for several days.

THE BRITISH MISSION.—We have just received copies of the *Millennial Star* for Dec. 26th, 1871, and for Jan. 2nd and 9th, of the present year. The first date was the concluding number of vol. twenty-three of that interesting periodical. We wish the *Star* the success that it deserves, and that it may continue to be a beacon of light to the honest truth-seeker.

Elder J. V. Robinson, of Fillmore, who left Ogden, Nov. 15th, arrived at Liverpool Dec. 18th, in good health and spirits, and was appointed to labor in the London Conference under the direction of President David Brinton.

ACCIDENT AND AMPUTATION.—Last Wednesday, Wm. Rosen, while coupling cars on the Union Pacific line at Echo, had the misfortune to get the dexter-finger of his right hand badly crushed. Dr. Nellis was sent for. He found that amputation was necessary, and took off the finger below the second joint, without administering chloroform.—*Ogden Junction, Feb. 17.*

INFORMATION WANTED of the whereabouts of John Mudd. His description is as follows: about five feet six inches in height, light complexion, dark brown hair and beard, dressed in homespun. He was last seen, about two weeks ago, at Thayne's *Mill, in Mill Creek Kanyon*, which place he left with the intention of going north, towards Parley's Kanyon. Any tidings concerning him will be thankfully received by Wm. Mudd, First Ward, Salt Lake City.

RETAINED.—It gives us much personal pleasure, and gratifies our State pride, to be able to announce, on the authority of Hon. W. H. Hooper, Delegate in Congress from Utah, that Hon. C. P. Mason, Chief Justice of Nebraska, has been retained as one of the counsel for the defense of Brigham Young. The trial will take place in the early days of March.

This is certainly a very high compliment to Judge Mason, and to the State. It is well and richly deserved. As a jurist of great ability, and as a criminal lawyer and advocate of great experience and conceded power, Judge Mason rates second to no man of our acquaintance in the West.—*Omaha Herald.*

THIRTY DAYS IN THE BLOCKADE.—C. R. Savage, Esq., informs us that of the thirty days of the blockade only six were fine. During the balance of the time it either snowed or blowed, and as often as not it did both at once. Every time the deep cuts fill up and the snow is shoveled out of them, makes the difficulty of clearing the track still greater, by reason of the snow being piled up on the embankments.

Mr. S. thinks the difficulties the company will have to contend with in endeavoring to keep the road open during the rest of the winter will be very great, and that railroad communication from the east will consequently be very irregular for some time.

All that the company could do under the circumstances for the blockaded passengers was done, but the circumstances were far from favorable, from any aspect, and many had consequently to rejoice in "square meals" of square crackers, a lump of cheese cut square, and a square slice of fish

Our friend Savage, however, fared pretty well, and returns looking none the worse for his being so long snow-bound. He went eastward for the sole purpose of taking some blockade pictures. As it was, however, he was only enabled to take a few sketches, which will soon be before the public, and will give those who have not had experience in the line, some idea of what it is to be snow bound in the Rocky Mountain Region.

HEROIC CONDUCT.—We have received, from Moses Thatcher, Esq., additional particulars incidental to the late fire at Logan. It appears that soon after the building was discovered to be on fire, and the alarm was given, a crowd gathered, who did all in their power to prevent the progress of the flames. Some time after the commencement of the fire, and when a large portion of the upper part of the interior of the building was enwraped in flames, some one recollected that there were twenty-three kegs of powder in the cellar. On learning this a number of the people who were around the building, thinking "discretion the better part of valor," took themselves to a respectful distance.

A young man who was present, named Edward Holden, shouted, "Who will follow me and get the powder out," and rushed into the burning building, followed by two others, named Richard Steel and E. D. Crowther. They searched around for some time, but were unable to find the powder, and they were about to leave the building when E. Holden, in springing up the cellar stair, upon which fiery brands were falling thick and fast, saw the kegs under the steps, literally covered with fire. On seeing them he cried to R. Steel, "Good bye Dick, we'll never get out of here," to which Richard made an appropriate response. Holden then leaped down the steps, took off his hat and, with it, commenced brushing the fire from the kegs of powder. This done the three brave fellows went to work and carried the twenty-three kegs of powder the whole length of the store and passed them out of a front window, to those outside, while the flames were roaring and the timbers crackling over head. E. Holden's hands were badly blistered in handling the kegs, some of which had actually commenced to burn.

Had the powder not been taken out, the damage to property and probably life would doubtless have been very great.

Another exploit of Mr. Crowther was to gain an entrance through the window of an upper room used by Olef Hanson, as a tailor shop and get out the latter gentleman's sewing machine.

Besides the building and other property mentioned by us before, as having been destroyed, all the carpetting and wall paper for Bro. M. Thatcher's new house were consumed. Brother C. Frank, bookkeeper for the Utah Northern Railroad, lost all his clothes except what he stood up in. General Hyde lost a military coat, worth $50, which was in the tailor's hands.

Correspondence.

MALAD CITY, Oneida Co.,
I. T., Feb. 10, 1872.

Editor Deseret News:

Dear Brother:—I feel it my duty to write you a few lines to let you know how we get along here. The winter, so far, has been favorable. The people, as a general thing, enjoy themselves in all our social gatherings. Our meetings are well attended every Sabbath. The choir is in full blast, under the direction of Professor David Owens. Our Sunday school is also progressing rapidly under the supervision of Bro. Arnold Goodliff, who has proved himself able to manage the juveniles in a most creditable manner. Last Saturday evening the people turned out *en masse* to attend an exhibition and rehearsal, which was a success and a credit to the parents and teachers of the Sunday school.

The co-operative store, under the management of Edwin Curtis, Esq., is doing a big business.

Next Sunday we expect to have a good time at Willow Springs Branch, situated four miles south of Malad city, where a good meeting house will then be opened. The Malad and Samaria choirs will be in attendance.

A branch of the church has been organized in Marsh Valley. The Saints are gathering there from the various settlements of Utah, in search of feed for their stock. The snow has been so light in this and Marsh valleys this winter that our young cattle are doing well on the range.

We anticipate a good crop of grass and grain this year. The grasshoppers took their flight to other regions, laden with their valuable(?) freight of eggs, we hope nevermore to return. They have caused us, for several years, to go to Egypt to buy our bread.

We frequently hear from Montana of deep snows there and cattle perishing by thousands.

When we find gold we will send you some specimens. There is one hole in the ground not far from here, no signs of gold.

Your valuable paper is looked for with great eagerness and comes to hand regularly. Respectfully,

DANIEL DANIELS.

CIVIL REFORM IN THE TERRITORIES.—The Territories aspire to a little civil service reform in their own behalf. Their delegates in Congress held a meeting on yesterday, and adopted a resolution requesting the President to select citizens of the several Territories to fill the Federal offices in the same. This is rather a novel phase of the doctrine of protection to home industry; but the request does not seem to be an unreasonable one, always provided that the Territories have indigenous materials for the manufacture of Governors, Judges and Collectors. The present custom is to appoint broken-down politicians who have survived their usefulness in their own homes, and who, the moment they reach their official posts, commence to agitate for the admission of the Territory and for their own return to Congress. Failing in that, they are sometimes contented to serve as Delegates; and, without examining the records, it is tolerably safe to say that more than one of those who voted for the resolution against the importation of officials into the Territories, owes his present position to a Federal appointment.—*Chicago Times.*

Here the Federal officials oppose the admission of the Territory for the reason that admission would take off their official heads, as the people have no confidence in them.

CREDIT TO THE MORMONS.—The Mormons are to be credited for having kept their City of the Desert free from the common forms of vices which prevail in most large cities, and especially in those of the far west. For the first time we begin to hear that robbers, garroters, and other desperadoes are numerous in the city, and that neither life nor property is safe after nightfall. If the triumph of the "Gentiles" is to bring such a result, the heinous nature of the old rule, under the adherents of polygamy, will become less apparent. We remember Artemus Ward's humorous descriptions of the disgusted miners from neighboring Territories, who used to congregate in Salt Lake City. And when they found no liquor saloons, gambling places, nor disreputable resorts, they accordingly sat on convenient fences or barrel-heads, swinging their legs disconsolately, and swore roundly at the infamous character of polygamy.—*Omaha Herald.*

DIED.

JACOB STRONG, in the 10th Ward, Salt Lake City, of old age, on Sunday morning, Feb. 18th, aged 72 years, 4 months and 10 days.

Deceased was born in York county, Penn., Oct. 9th 1799, was baptized in Strongstown, Penn., in 1833; went to Nauvoo in 1840 and was with the Saints in their troubles at the expulsion from that place; arrived at Council Bluffs in 1846, and in Salt Lake City in 1849.

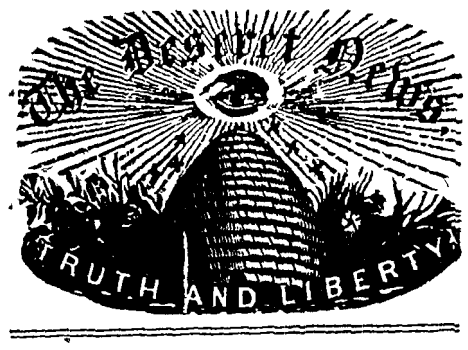
He has a number of sons and daughters who have been around him for years; his grandchildren are also numerous, and he has four great-grand-children living.

He was a man universally liked and respected for his temperate life and kind deportment. Last fall he garnered a crop of his own sowing and a week ago to day he cast his vote for the "Constitutional" party.

In the 10th Ward, Salt Lake City, Feb. 8th, of heart disease, Bro. HENRY W. THOMAS, late of Mountain Ashe, Glamorganshire, Wales, leaving a wife and seven children to mourn the departure of a kind, loving husband and father.

He joined the church many years ago, and arrived here last July. He died a true and faithful Saint, and very much respected by all who knew him.—[Com.

Mil. Star, please copy.



GEORGE Q. CANNON,

EDITOR AND PUBLISHER

Wednesday, - - February 21, 1872

DO WHAT is right, is the burden of the song, and experience demonstrates that such a course is the only sound one. Actions based upon any other principle, no matter the position of the actor, are actions to be repented of, sooner or later, and, further than that, if a man will not do what is right of his own volition, Providence will by and by either bring to bear upon him a pressure anything but agreeable to induce him to do right, or make manifest his culpability in such a manner that he will be despised among men, even by his partners in doing that which is not right.

There is absolutely no safety in doing anything that is wrong, anything contrary to the light which God gives unto the individual. An intelligent man or woman can consistently act only according to the light which he or she possesses, or the light which he or she might have possessed had all past light obtained been lived up to, and all opportunities of obtaining further light been properly improved.

To do what is right is not particularly to carry out the dogmas or hobbies of men, but to develop the principles of life and salvation, principles which will save and exalt men and women, principles which will conduce to the welfare and happiness of the human race, in time and in eternity. Whether we recognize the fact or not, still it is a fact that we are continually in the presence of the Supreme Being, so far as his knowledge of us is concerned, if not so far as our knowledge of him extends. Consequently our actions should all be performed not as unto and in the presence of man only, but as unto and in the presence of God, our Creator, also. If this fact were more generally and more properly appreciated, we should not see nor hear of so many mean and selfish actions as we do; we should not see nor hear of so many departures from principle for temporary advantage, and no other than temporary advantage can be secured by departure from principle; we should not see nor hear of persons falling from truth, sinning against light, or truckling to the adversary; the tempter might come every day and every hour and offer some presumed advantage if we would fall down and worship him, or, what is much the same thing, deny or concede some principle of truth, which we know, or at the very least believe, to be true. If we are living according to the light which we have or may have, we should in each and every instance of such temptation promptly say, "Get thee behind me, Satan." And we should say the same in substance to every tempter, in whatever form he or she might come. We should find it impossible to do otherwise with the least satisfaction or comfort to ourselves. Then the prince of this world might come, as the Savior said, and he would find nothing in us, subservient to him. That is the only satisfactory way to live. All other ways lead to darkness, disorder, entanglement, confusion, and trouble, and are extremely unsatisfactory when conscience, enlightened by the Spirit of God, sits judicially upon them.

When we submit to the allurements the tempter, when we sacrifice principle for apparent advantage, when we depart from what we know or may know is right, we place ourselves in a situation wherein even those who tempt us will mock and deride us, and the very highest consideration we can expect from friend or foe is pity.

The Latter-day Saints are and may be again placed in a position which is one of trial and test, giving the opportunity, which can not be shrunk from, of proving whether they will abide faithfully by the principles which they profess to hold as true, or whether for promised advantage they will prove recreant to those principles. All true Saints every time will inflexibly declare they will abide by their principles, leaving the results with Him who rules in the heavens and does as He deems best on the earth. This is the only path to true honor and glorious renown, the only way to live and not be ashamed though we live for ever, for he who never will concede principle for profit, proffered or expected, can hold his head erect and walk with proud and elastic step if in the presence of kings, for he is their peer in all that goes to make man noble and Godlike, worthy of respect and honor, even from them.

TERRITORIAL CONVENTION.

THE gentlemen elected, in the various Counties of the Territory, to represent the citizens in the Territorial Convention, to prepare a Constitution, for the admission into the Union of Utah as a State, met in the City Hall this morning at 10 o'clock. At about half past 10 o'clock Honorable Orson Pratt, Sen., called the Assembly to order, when the following temporary organization of the Convention was effected:

Honorable Lorenzo Snow, President of the late legislative Council, was elected President *pro tem.*

R. L. Campbell, Secretary,
L. J. Nuttall, Assistant Secretary;
R. S. Campbell, Messenger;
J. D. T. McAllister, Sergeant-at-arms, and,
Milando Pratt, Assistant Sergeant-at-arms.

Honorable Thomas Fitch moved that a committee of five, on credentials, be appointed. The motion was passed, and the following gentlemen were named by the President to constitute that Committee:

Hons. George Q. Cannon, Thomas Fitch, W. B. Preston, F. Fuller, and Wm. Jennings.

The Convention adjourned until two o'clock this afternoon.

Convention met at 2 o'clock this afternoon.

Committee on credentials gave in their report, which was accepted, and they were discharged from further duty.

The Committee announced that P. E. Connor had resigned the nomination as delegate to the Convention, not being a citizen of Utah.

The roll of the members of the Convention was called by the Secretary, a quorum present

General Barnum submitted the following resolution or oath, to be taken by each member of the Convention, which after some discussion was adopted:

"You and each of you do solemnly swear (or affirm) that to the best of your knowledge and ability, you will support and defend the Constitution of the United States against all enemies, foreign or domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter; so help you God."

That the said oath shall be administered to the members of the convention now present by Hon. Elias Smith, Probate Judge of Salt Lake County.

The following is a list of the Delegates to the Convention;

Beaver County.—Blackburn, E.H.; Murdock, John R.; Tyler, Samuel.

Box Elder County.—*Bruce—; Dalton, M. W.; *Johnson, E. P.; Loveland, Chester; Snow, Lorenzo; Wright, Jonathan C.

Cache County.—Hammond, Milton D.; Hatch, Lorenzo H.; Hyde, William; Lilljenquist, O. N.; Littlewood, Wm. F.; Maughan, Wm. H.; Merrill, M. W.; Preston, Wm. B.; Thatcher, Moses.

Davis County.—Barnes, John A.; Call, Anson; Porter, Nathan T.; Rouche, Thos. F.; Smith, Lot; Smith, Thos. S.; Telford, John.

Iron County.—Blair, Seth M.; Dalton, Edward; Smith, Jesse N.; Smith, Silas S.

Juab County.—Hague, John; Kendall, Geo; Sutherland, A. C.

Kane County.—Harmon, A. M.; Nebeker, John.

Millard County.—Callister, Thos.; King, Culbert; Lyman, Platt D.; Thompson, Daniel.

Morgan County.—Haven, Jesse; Porter, Hyrum W.

Rich County.—Rich, Charles C.

Salt Lake county.—Akers, T. P.; Buel, D. E.; Barnum, E. M.; Cannon, George Q.; Connor, P. E.; Caine, John T.; Carrington, A.; *Fitch, Thomas; *Fuller, Frank; Haydon, William; Hoge, E. D.; Jennings, William; Johnson, Hadley D.; Miller, Reuben; Miner, Aurelius; Pratt, Orson; Rockwood, A. P.; Sharp, John; Snow, Z.

Sanpete County.—Candland, David; Ellewellyn, Reese R.; Lowry, Abner; Madsen, C. A.; Peacock, George; Snow, Warren S.; Sanderson, H. W.

Sevier and Piute County.—Morrison, Wm.; Rasmusson, Peter.

Summit County.—Attwood, L.; Cluff, W. W.; Snyder, Geo. G.

Tooele County.—Bryan, Geo. W.; Burridge, Geo.; Franklin, John; Hunter, John; Hunter, Edward; Rowberry, John; Warburton, Richard.

Utah County.—Bringhurst, Wm.; Brown, John; Evans, David; Harrington, L E; Milner, J. B.; Pace, Wm. B.; Price, Wm; Smoot, A. O.; Simons, Orrawell; Thurber, A. K.

Wasatch County.—Alexander, H. S.; Hatch, Abram; Murdock, N. C.; ——; ——.

Washington County.—Foster, Solon, Iyins, Israel; Snow, William; Young, Jos. W.

Weber County.—Belknap, Gilbert; Erb; ——; Farr, Lorin, Hammond, F. A.; Herrick, L. J.; Penrose, C. W.; Richards, F. D; Ude, ——.

All, excepting those marked with an asterisk, answered to the roll this morning.

THE TERRITORIAL LEGISLATURE

Feb. 15

COUNCIL.—Council met pursuant to adjournment.

The following was received and read:

Executive Department,
Salt Lake City, Utah T.,
February 15, 1872.

Gentlemen of the Legislative Assembly

An Act entitled "an Act appropriating money to defray the incidental expenses of the Convention elected to frame a Constitution, with a view to the admission of Utah as a State," which has been submitted to me for approval, is hereunto returned without my signature.

On the 27th of January last I transmitted to the Legislative Assembly my reasons for refusing to approve "an Act providing for holding a Convention to prepare a Constitution for the admission of Utah into the Union as a State." In that communication I stated, among other reasons, that the only rightful legislation within the scope of our authority under the Organic Act, is such as pertains to the domestic concerns of the Territory. Referring to the practice of Congress in authorizing the admission of new States only through enabling acts, I said: "Without such authority, specially conferred, we have no right to legislate upon that subject." What was said of the Act then under discussion, applies with equal force to this.

Had the former measure been a proper subject of legislation, this, which grows naturally out of that, would also have been proper. That act being unauthorized, this which is its natural sequence, is tainted with the same defect.

If, at a Territorial Legislature, unauthorized by Congress, we have no right, by Legislative enactment, to call a Convention to frame a Constitution, then *a certiorari*, we have no authority to appropriate the people's money to defray the expenses of such a Convention. It is a sufficient objection to the act under consideration that it seeks to appropriate money to pay the expenses of a Convention entirely unauthorized by law.

GEORGE L. WOODS,
Governor of Utah Territory.

A communication from His Excellency the Governor, nominating Ellis M. Bornum as notary public for Salt Lake County and asking for his election, was received and read and referred.

On motion of Councilor Cannon the rules of the Council were suspended, and he presented a bill for "an Act concerning the property rights of married persons," which was passed.

"An Act incorporating the town of Fairview, in Sanpete County," was amended and passed.

On motion of Councilor Lot Smith the Council took recess till 2 p m.

Two p.m.

Council resumed its session.

Councilor Smoot, from Committee on Judiciary, reported back "an Act to amend an act regulating proceedings in civil cases in the courts of justice of this Territory, and to repeal certain acts and parts of acts," approved February 17th, 1870, without amendments, and recommended its passage as amended by the House. Passed.

Councilor Cannon, from Committee on Revenue, reported back "an Act further amending an act prescribing the manner of assessing and collecting County and Territorial taxes, and for other purposes," without amendments, and recommended its immediate passage. Passed.

Councilor Smoot presented petition of Thomas R. Cutler, praying to be appointed notary public for Utah County, which was read and referred.

Councilor Smoot, from committee on judiciary, reported back "an Act to prescribe the manner of conducting criminal proceedings," and recommended that, in consequence of the limited time allotted during the present session, the bill lie over as unfinished business. Report accepted.

"An Act defining the time of commencing criminal actions," was amended and passed.

"An Act to punish persons issuing unauthorized or fraudulent bonds or other securities," was passed.

The memorial to Congress praying for "an amendment to the Organic Act of the Territory of Utah," was adopted.

"An Act prescribing a summary mode of procedure for the recovery of the possession of real property forcibly or unlawfully withheld," was passed.

On motion of Councilor Cannon, the amendments of the committee of conference to "an Act defining the time of commencing criminal actions," were concurred in.

"An Act pertaining to actions in Trespass and damage," was read and referred.

On motion of Councilor William Snow, the Council adjourned till 7 p m

HOUSE.—House met pursuant to adjournment.

The following was received and read:

EXECUTIVE DEPARTMENT,
Salt Lake City, Utah Territory,
Feb. 10, 1872.

Gentlemen of the Legislative Assembly:

I herewith return to you an act, entitled "an Act providing for granting licenses to persons engaged in certain kinds of business," without my signature and approval.

Section 1, provides among other things that the county courts shall have the power "to revoke such licenses whenever in the opinion of the court it may be required for the public good."

Without discussing the question as to whether, under the Organic Act of the Territory, the Legislative Assembly, originally, had the right to create such courts as the county courts, it is deemed sufficient to say that the issuance of a license by proper authority to any person for the carrying on of any given business, is in the nature of a contract, which, under our system, cannot be abrogated without the consent of both parties to such contract. To invest the county courts, even admitting that such courts have a legal existence, with such arbitrary power, would be subversive of the rights of the citizens and ought not to be done. Again: Section 3, provides that "the annual amount which may be required for licenses so granted," "shall not be less that ten nor more than two hundred dollars," leaving it entirely with the "County Court" to determine the amounts which shall be charged persons engaged in the different kinds of business enumerated.

Justice requires that all taxation shall be uniform. To that end, all laws authorizing the issuance of Licenses should specify the amount to be charged for each kind of business enumerated.

Laws should always be so framed as to render impossible the exercise of arbitrary and unjust power by any of the constituted officers of the law.

Believing that the Act in question does not meet this just and proper demand of the citizens, I return it to the House in which it originated, without my signature.

GEORGE L. WOODS,
Gov. Utah Territory.

"An Act further defining the duties of county and school district Collectors," was passed.

"Joint Resolution to defray sundry expenses of the Legislative Assembly," was read with amendments and adopted.

Mr. Thurber moved that the Committee on Claims, etc, be instructed to incorporate in the Territorial appropriation bill, the sum of ten thousand dollars, or as much thereof as may be necessary, to be drawn by J. T. D. McAllister, Territorial Marshal, on vouchers to be approved by the Auditor of Public Accounts, to defray expenses of District Courts, including rents, board of prisoners, fees of Territorial Marshal, jurors, witnesses, and incidental expenses, Provided that no account shall be allowed in excess of the fees allowed by an Act approved January 21st, 1859.

Adopted, and Committee on Claims instructed accordingly.

Mr. Peacock presented a bill for "an Act incorporating the town of Fairview, in Sanpete county." Passed.

Mr. Rockwood, from Committee on Roads, Bridges, etc., in answer to the recommendation of the Committee on Claims, etc., in relation to bringing in a bill repealing the law creating the office of Road Commissioner, reported an Act further defining the duties of the Road Commissioner, and repealing so much of an Ordinance in relation thereto. Laid on table.

Mr. J. F. Smith, from Committee on Petitions, etc., presented a Memorial to Congress, praying for an amendment to the Organic Act of the Territory of Utah. Referred.

On motion of Mr. Taylor the House rescinded their action on "an Act limiting the time of commencing civil actions," and appointed Messrs. S. S. Smith, A. K. Thurber and W. B. Pace a Committee of Conference on said bill.

The Deseret Telegraph Company's claim for telegrams sent by Territorial officers, was presented and referred.

Mr. Taylor presented a bill for "an Act to punish the unauthorized or fraudulent issue of bonds or other securities." Title amended and bill passed.

Messages from Governor Woods were received signifying his approval of "an Act amending the charters of incorporated cities," "an Act amending certain charters of incorporated cities," "an act authorizing and requiring the Auditor of Public Accounts to procure Seals, and for other purposes," and also "an Act amending an act incorporating Ogden City."

Mr. J. W. Young moved that the sum of $63 be remitted to Rufus C. Allen, ex-Assessor and Collector of Washington County, for the year 1856, which amount is now standing against the present Assessor of said county.

On motion of Mr. Taylor, the Committee on claims, etc., was instructed to incorporate said sum in the Territorial Appropriation Bill.

Mr. Hatch presented a bill for "an Act pertaining to actions in trespass and damage." Referred.

Mr. Taylor, from Committee on Petitions, etc., reported back Memorial to Congress, praying for an amendment to the Organic Act of the Territory of Utah, with amendments, and recommended its passage. Adopted.

Council amendment to "an Act incorporating the town of Fairview, in Sanpete County," was concurred in.

On motion of Mr. Pace adjourned till 2:30 p. m.

Thursday, Feb. 15, 7 p.m.

Council met pursuant to adjournment.

Councilor Smoot, from committee on judiciary, reported back "an Act pertaining to actions in trespass and damage," without amendments, and recommended its passage. Rejected.

"Joint resolution for the protection of Territorial officers in the discharge of their official duties," was amended and referred.

Councilor Jennings presented claim of A. Miner, for $1000 for services rendered as Attorney in behalf of the Territory of Utah; referred.

"Joint resolution as to delinquent taxes in Summit County," was read and referred.

Territorial appropriation bill was read and referred.

On motion of Councilor Woodruff, Councilors Jennings and Smoot were added to committee on claims, etc., for the consideration of this bill.

"An Act to amend an Act authorizing the Secretary of Utah to receive fees in certain cases," was read the first time and referred.

"An Act to provide for compiling and publishing the laws of Congress, applicable to the Territory of Utah," was read and referred.

On motion of Councilor Woodruff, the Council adjourned till Friday at 10 a.m.

Half-past 2 p. m.

House resumed its sitting.

The report of the Chancellor of the University of Deseret with accompanying documents was received and read and ordered published.

Mr. Rich presented the Territorial Appropriation Bill, which was amended.

Mr. Hatch presented the petition of H. S. Alexander, ex-assessor and collector of Summit county, praying for relief, which was read, and referred to the Committee on Revenue, with Mr. Hatch added thereto for consideration on the subject.

Council amendment to "an Act defining the time of commencing Criminal Actions," was concurred in.

A bill for "an Act to amend an Act entitled an Act prescribing the manner of assessing and collecting Territorial and County Taxes," approved January 20, 1865, was read and referred.

Mr. Farr, from Committee on Judiciary, reported back "an Act pertaining to actions on trespass and damage," and recommended it passage. Passed.

Mr. S. S. Smith from Committee on Conference, reported back "an Act limiting the time of commencing civil actions," with an amendment, and recommended its passage. Passed.

Mr. Rockwood, from Special Committee, reported for a bill for "an Act for the protection of Territorial officers in the discharge of their official duties, and persons from malicious prosecution or persecution," a Joint Resolution instead and recommended its passage. Adopted.

On motion of Mr. J. F. Smith the sum of three thousand dollars was added to the Territorial Appropriation Bill for the use of Deseret University and branches.

On motion of Mr. W. B. Pace, the sum of two thousand four hundred dollars was incorporated in the Territorial Appropriation Bill for room rent, clerk hire, stationery and incidentals of the Adjutant-General's office for the years 1872 and 1873, to be drawn on the order of Lieutenant-General Wells.

On motion of Mr. J. F. Smith, adjourned till 7 p. m.

Seven p. m.

House resumed its sitting.

On motion of Mr. Reese, the Appropriation Bill was read and passed.

The following was received and read.

Mr. Thurber, from Committee on Revenue, reported for petition of H. S. Alexander, ex-Assessor and Collector of Summit County, praying for relief, a Joint Resolution and recommended its passage; adopted.

On motion of Mr. Rowberry, a bill for "an Act amending an act entitled an Act authorizing and empowering the Secretary of the Territory to receive and collect fees in certain cases," approved Jan. 18, 1861, was read and passed.

Bill for "an Act concerning the property rights of married persons," was read and passed.

The following was received and read:

Mr. President, and Members of the House:

Gentlemen:—Your Special Committee, to whom was referred a motion of instruction to enquire into the expediency and importance of compiling and publishing the Laws of Congress applicable to, and of force in Utah Territory, respectfully report that in their opinion it is highly important that such compilation and publication should be made at as early a date as is consistent. With the surveying and plotting of the public lands in our Territory come to us the benefits of the pre-emption, the homestead, the townsite, and the mining laws, with many others, not necessary here to mention. For this reason it becomes important, indeed necessary, that the Laws of Congress on all these, and other subjects, be made public, and put into the hands of the civil officers throughout our Territory.

Your committee therefore desire to report and recommend the passage of the accompanying bill for "an Act to compile and publish the Laws of Congress applicable to Utah."

F. D. RICHARDS,
Chairman of Special Committee.

Bill passed.

Mr. Callister, from Committee on Irrigation, etc., reported that in their judgment, owing to the lateness of the season, it was inexpedient to legislate upon the subject of H. F. No 28. Tabled.

On motion of Mr. Callister the Committee on Petitions, etc., were instructed to consider the propriety of memorializing Congress in relation to the State house, in Fillmore City, in Millard County, to be used as a seminary of learning, under the direction of the Chancellor and Board of Regents of the University of Deseret.

Mr. Pace, from Committee on Counties, in answer to the motion of Mr. Rockwood, in relation to parts of the Territory not being organized in any County, reported and recommended passage of "an Act extending the boundaries of Summit and Washington Counties" passed.

Mr. Farr, from Committee on Judiciary, concerning petition of R. W. Jordan and others, for amendments to lien law, reported that they deemed it inexpedient to legislate thereon at the present session. Report accepted.

Mr. Callister, from Committee on Irrigation, etc., concerning that portion of the Governor's message relating to Irrigation, reported Memorial for the consideration of the House. Memorial read and referred.

On motion of Mr. J. W. Young, adjourned till Friday at 9 a.m.

Friday, Feb. 16

COUNCIL.—Council met pursuant to adjournment

Councilor Woodruff from Committee on Claims and Appropriations reported back Territorial Appropriation Bill with amendments, which were read and bill further amended, and that portion relating to an appropriation for the Deseret University referred.

Councilors Thatcher and Lot Smith were added to said committee for the consideration of this subject.

"An Act extending the boundaries of Summit and Washington Counties," was read and referred.

The House amendments to "an Act prescribing a summary mode of procedure for the recovery of the possession of real property, forcibly or unlawfully withheld," were read and a Committee of Conference was appointed, consisting of Councilors Lot Smith and Jennings, to confer with a like committtee from the House, in relation to the amendment to section 19.

Councilor Woodruff, from committee, reported back a joint resolution appropriating five thousand dollars for various prosecutions and recommended non concurrence Report accepted.

On motion of Councillor Wm. Snow, the Council took recess till 2 p. m.

HOUSE.—House met pursuant to adjournment.

The Treasurer forwarded to the House the amount paid by Godbe & Co., to the school fund, viz. $16 00, being five per cent. on gross receipts, collected on Bear River Bridge, Box Elder County.

A bill for "an Act prescribing a summary mode of procedure for the recovery of the possession of real property, forcibly or unlawfully withheld," was read and passed.

Mr. S. S. Smith, from Committee on Unfinished Business asked that a bill for "an Act defining the duties of County Recorders, and the manner of Conveying Real Estate," be laid on the table indefinitely. Report adopted.

Mr Rockwood asked and obtained leave to withdraw said bill.

Mr. Wright presented petition of Wm. C. Ducheman and 133 others, citizens of Corinne, in Box Elder County, praying for the repeal of their city charter, which was read and referred.

A communication from Mr. Musser, Superintendent of Deseret Telegraph line, was received and read in relation to amounts owing to said company for messages sent on Territorial business for the last two years. Referred.

On motion of Mr. Preston, adjourned till 1 30 p.m

Friday, Feb. 16.

COUNCIL.—Council met at 10 a.m.

Councilor Woodruff, from committee on claims and appropriations, reported back Territorial appropriation bill; amended, and referred.

"An Act extending the boundaries of Summit and Washington counties," was referred.

A Committee of Conference was appointed on "an Act prescribing a summary mode of procedure for the recovery of real property."

Council took a recess.

1 p. m.

Councilor Smoot, from committee, reported back "an Act to provide for compiling and publishing the laws of Congress applicable to the Territory of Utah," amended Passed.

Councilor Smoot, from Judiciary committee, reported back "an Act to amend an Act authorizing the secretary of the Territory of Utah to receive fees in certain cases," without amendments, and recommended its passage.

A communication was received from the Governor stating his non-approval of an "Act providing for the working of mines, etc."

"An Act to provide for compiling and publishing the laws of Congress applicable to the Territory," was reported back from committee amended. Passed.

"An Act prescribing the manner of assessing and collecting Territorial and county taxes," was tabled to come up in order.

"An Act to provide for the printing, distribution and sale of the laws, and for the printing and distributing the journals of the twentieth session," etc., was amended.

Communications were received from the Governor announcing his approval of "an Act concerning the property rights of married women," and "an Act further defining the duties of county and school district collectors."

"An Act extending the boundaries of Summit and Washington counties," was passed.

On motion of Councilor Woodruff, the sum of $2,000 was placed in the appropriation bill, to be drawn by Angus M Cannon, public printer, if needed, to do the work ordered by the Legislative Assembly.

"An Act to provide rules for the working and development of mines," passed.

The committee on claims reported adversely to the claims of A. Miner for services as prosecuting attorney in 1861-62. Report accepted.

On motion of Jesse N. Smith, the sum of $100 was placed on the appropriation bill in aid of a normal school at St. George, in Washington county.

"Joint resolution as to delinquent taxes in Summit and Washington counties, was passed.

Councilor Woodruff, from Committee, concerning the nominations for Territorial officers, sent to the assembly by his excellency, the governor, reported there were no vacancies to be filled, the terms of office of the present incumbents not expiring until 1874. Report accepted.

A communication from the Governor announced his approval of "an act limiting the time for commencing civil actions."

"Memorial to Congress, praying for the State house at Fillmore to be given to the Territory for a seminary," was referred.

Council took recess till 5 30 p.m.

6 30 p.m.

"An Act to amend an act to authorize the Secretary of Utah to receive fees in certain cases," was rejected.

House memorial to Congress, praying for annual sessions of the legislature, was adopted; also memorial asking Congress for the state house at Fillmore for educational purposes.

The nomination of James Sweisher, for notary public of Piute county, was sent in by the Governor, and referred

A message from the Governor, announcing his disapproval of "an Act to amend an act to regulate proceedings in civil cases," was received.

Councilor Cannon introduced "an Act defining the time of commencing criminal actions," which passed.

The approval of the Governor to "an Act prescribing a summary mode of procedure for the recovery of real property," was received.

Joint resolution authorizing the public printer to publish the act for a further organization of the Militia of Utah was passed.

House amendments to the appropriation bill, were concurred in.

HOUSE.—House met at 9 a m.

The treasurer's receipt was read, showing that $16 had been paid as the amount of per centage due from Bear River ferry for the benefit of common schools.

"An Act prescribing a summary mode of procedure for the recovery of the possession of real property, forcibly or unlawfully detained," was passed.

"An Act defining the duties of county recorders, &c," was tabled indefinitely.

Mr Wright presented petition of Mr. Duchenan and 133 others, citizens of Corinne city, praying for the repeal of their city charter, on the ground that they were too poor to support a city organization. Referred.

A communication was received from A M. Musser, superintendent of the Deseret Telegraph line, presenting a bill for messages sent on Territorial business. Read and referred

Recess till 1:30.

1.30 p. m.

HOUSE.—A Committee of Conference was appointed on "Joint resolution for the protection of Territorial officers in discharge of their official duties;" and "an Act prescribing a summary mode of procedure, &c."

"An Act changing the boundaries of Moroni city," was tabled as unfinished business.

The petition from Corinne, for a repeal of the city charter, coming in so late in the session, was tabled as unfinished business.

Mr. Rich, from committee on Claims, reported back communication of A. M. Musser, and recommended a liberal appropriation. Report tabled until the items were furnished.

"An Act amending the law in relation to taxes, &c.," was reported back from committee, amended. Passed.

Mr. Thurber, from committe of conference, reported back "an Act providing for the solemnization of marriages," and recommended that no action be taken.

"A bill for an Act to provide for the printing, distribution and sale of the laws and journals," was read, amended and passed.

On motion of Mr. Thurber, the financial reports of the counties were ordered printed in the journal.

Mr. Pace, from committee on counties, reported adversely to "an Act attaching Piute to Sevier county." Report accepted.

Mr. Thurber presented memorial to the President of the Senate of the United States, which was read and adopted.

A report from committee on railroads, was read and accepted.

Communications from the Governor announced his approval of "an Act amending an Act providing for a poll tax," "an Act for the protection of elk, deer, &c.;" "an Act entitled an Act providing for incorporating associations for manufacturing, &c.;" "an Act to amend an Act incorporating Kaysville;" and "an Act amending an Act prescribing the manner of assessing and collecting taxes."

Mr. Taylor presented "an Act for the

working and development of mines," which passed.

Messages from the Governor announced his disapproval of the following:

"An Act limiting the time of commencing criminal proceedings;" "an Act in relation to licenses," and "an Act in relation to auditing accounts."

"Memorial to the President and Congress praying for the gift of the State House at Fillmore for educational purposes," was adopted.

Council amendments to the bill providing for the printing and sale of the laws and journals, were adopted.

Mr. Peacock presented a bill for "an Act incorporating the town of Fairview, Sanpete County," which was passed.

House took recess till 6 p.m.

6.30 p.m.

Mr. Pace presented memorial to Congress, asking annual sessions of the Utah legislature. Adopted.

Council amendments to appropriation bill were concurred in.

Memorial to Congress, asking the grant of every alternate section of land to encourage irrigating companies, was reported back amended. Adopted.

Communications were received from the governor, stating that he had signed the "act extending the boundaries of Rich County," and the "act incorporating Fairview, Sanpete County.

On motion of Mr. Pitchforth, a memorial to Congress praying for a grant of the State House, at Fillmore, for educational purposes, was read and adopted.

Mr. Pace presented a "Joint Resolution, authorizing the public printer to publish 'an Act for the further organization of the militia of Utah, approved Feb. 1852,'" which was adopted.

The approval of the Governor to the "Act extending the boundaries of Summit and Washington Counties," and to "an Act regulating the working and development of mines," was received.

The Assembly met in joint session, the president of the Council presiding.

Councillor Woodruff, on behalf of the joint committee on elections, reported the number and kinds of offices to be filled by the joint assembly. The assembly then proceeded to elect one probate judge for Kane County, and notaries public for the several counties.

On motion of Councilor Cannon, Mr. F. S. Richards was elected commissioner to compile the Laws of Congress applicable to Utah Territory.

On motion of Mr. Peacock, a communication was addressed to Secretary Black, asking him to loan the furniture in the legislative halls for the use of the constitutional convention.

After the joint session had concluded, and the council had retired, a committee was appointed to wait upon governor Woods, who accompanied them to the council chamber, and, in response to a motion of the council, responded in a brief address, congratulating the assembly on the high character of the legislation of the session, believed their differences were honest; and he parted with them with the kindest feelings. His remarks were applauded.

SPECIAL TO THE DESERET NEWS.]

By Telegraph.

HOUSE.

NEW YORK, 16.—The investigation into the city affairs shows the expenditures of the city and county for the past eleven years, to be nearly seven hundred *millions*.

Mrs. Horace Greeley has recovered from her supposed incurable complaint, and will soon return to America.

Commodore Vanderbilt is ill.

It is now reported that the ring thieves have consented to compromise, by paying four millions, but that the reformers require six millions, probably four millions will be agreed upon.

HALIFAX, 17.—A dispatch says the steamship *New York* experienced terrible weather on her voyage from Bremen. Her boats were carried away, and her bridge broken. Captain Vanemster was knocked about on deck, and badly cut in the face. One of the sailors fell from aloft on the deck and was killed.

CHICAGO.—The heaviest snow storm of the season in Central Illinois, fell yesterday, the snow falling to the depth of ten inches at Springfield and Jacksonville.

Dispatches from Sioux city say 12 persons are known to have been frozen to death in the terrible storm last Monday. In Dixon city, Nebraska, many head of stock perished and it was feared that there was more loss of human life than as yet reported.

A Washington special says that the post office department has been in constant receipt, lately, of protests, from business interests in the country, because of the interruption of the California mails on the Union Pacific R. R., by reason of the snow blockade. Several parties in the Territories have made propositions to the post office department to transfer the mails from the delayed trains by wagons, to points accessible to railroad communication, for reasonable compensation, and one of these propositions met with much favor, on the part of the postal authorities, who were about to take up with it, when prevented, through the influence of Oakes Ames, who argued that such a course on the part of the postal department would be an official declaration that the road was not a reliable through mail route.

NEW YORK, 18.—The judiciary committee which begins to-morrow, the investigation of the charges against Judges Cardoza, Barnard, Ingraham and McCunn, have agreed upon a specific and tolerably correct programme, as to how the investigation is to be conducted. It seems to have been the first desire of the bar associates to omit the name of judge McCunn from the list of the accused, in order to use him as states evidence against the others. The opposition of many of the bar association became, however, so strong that this intention was abandoned, and Judge McCunn is to be included with the others who are accused. One of the charges against him being that, when acting as receiver on Binneger bankruptcy case, he used money in his charge, seventy thousand dollars, in putting up buildings.

WASHINGTON, 19.—It is understood the majority of the judiciary committee will report a resolution, referring to the question involving the transfer of land grants to the Kansas Pacific, the central branch of the Union Pacific, and the St. Joseph and Denver City Co's, back to the department of internal revenue, for the reason that the House did not authorize the committee to send for persons and papers. The minority will recommend the passage of a resolution that the assignment of the Hannibal and St. Joe Co. to the central branch of the Union Pacific is not binding on the United States, and that the latter company are not entitled to any of the lands claimed by it, and that the Denver City Co. is entitled to a protection of the lands which it claims.

A New York special reports the discovery, in Broome County, of a vein of gold, very pure, by workmen engaged in sinking a coal shaft.

A New York special says private advices from Rome says that at the consistory of the Roman Catholic church to be held at the Vatican this month, at least twelve or fifteen new cardinals will be elected, and there is very little doubt that Archbishop McCloskey will be one of them, and eleven names are mentioned, of expectant recipients of the red hat. Prominent among them are Archbishop Manning and the Archbishop of Munich, Cologne, Michlin, Dechamps, Posen and the Patriarch of Lisbon, who makes an ex-officio claim to the dignity, by virtue of a privilege accorded by Clement Eleventh. To these are added the names of four high officials to the former papal government: Rundi, prefect of police, Negroni, Minister of the Interior, Vitellischi and Denerbon. Archbishop Spaulding, of Baltimore, would no doubt have been made a cardinal, but for his death. That increases McCloskey's chances. His friends here regard his election as unquestionable.

A Washington special states that the bill reported by the Senate finance committee for the relief of Chicago, was not, as stated in the Associated Press dispatches, the ferry bill, providing for a money subsidy, but a bill naming the special articles to be admitted free of duty, such as marble, lumber, nails, white lead and other materials used for building.

FOREIGN.

LONDON, 16.—The case submitted to the Geneva board of arbitration by the counsel for Great Britain, with regard to the *Alabama* claims, has been laid before parliament and is published. The document is divided into ten parts. Part first remarks that no definite or complete statement of the American claims has ever been furnished; the treaty of Washington and the previous correspondence will supply, however, a general definition of the demands by the United States. Rule 2, of article 6, of the treaty of Washington, is quoted as follows: "A neutral government is bound not to permit or suffer either beligerent to make use of its ports or waters, as a base of naval operations against the other, or for the purpose of a renewal or augmentation of military supplies or arms or recruitment of men." This rule is interpreted as prohibiting the supply of a war-waging vessel from neutral ports, but is not prohibitory of the sale of arms or munitions of war in the ordinary course of commerce. The claims submitted are for damages growing out of the acts of vessels, respecting which the United States allege that Great Britain failed in her international duty. The tribunal must determine the question of failure of duty. If it decides there has been such failure, then it must accord a gross sum for damages, or define the limit of liability for the guidance of the assessors of said damages. The circumstances of the sailing of the steamers *Alabama*, *Florida*, *Georgia* and *Shenandoah* were materially dissimilar, but Great Britain maintains that in respect to none of them has she failed of her international obligations, or rendered herself justly liable.

Part two gives the history of the civil war in the United States, showing that the course of England and the maritime powers, was one of vigilant and scrupulous neutrality

Part three makes a statement of international rights, and the duties of Great Britain and the United States bearing thereon, and of the performance and execution thereof by Great Britain during the war.

Parts five, six, seven and eight respectively present the facts relative to the steamers *Florida*, *Alabama*, *Georgia* and *Shenandoah*.

Part nine sets forth that the steamers *Georgia* and *Shenandoah* were never equipped for war in the British dominion; her Majesty's Government was only informed respecting these vessels after their departure. That the *Alabama* and *Florida* even did not receive their armaments in British waters. The peculiar circumstances of the *Alabama's* escape are recited, and England's vigilant endeavors to prevent her sailing.

Part ten claims the disadvantages under which Great Britain labors, in meeting an unprecedented case. The document concludes; "While England regrets the departure of the rebel cruisers from her ports, she cannot acknowledge the justice of the claims against her for pecuniary demands for their acts. The United States must solidly establish the fact of England's negligence, and England is ready to accept the award of the tribunal of arbitration. Whether favorable or not, she desires only that it shall be just."

THE MORMON TRIALS.

U. S. District-Attorney Bates of Utah has arrived in town to consult with the President and Attorney General with regard to further legal proceedings against the Mormons. Mr. Bates' solution of the polygamy problem is as follows: He recommends that the Attorney General shall direct that all the indictments now pending under the Territorial statute for "lewd and lascivious cohabitation" be abandoned, and no further prosecutions instituted for past offenses, but that the Mormons be given to understand that any person who in future contracts a polygamous marriage shall be punished. The murder cases, he thinks, should be prosecuted. He also favors the immediate passage by Congress of a law authorizing the appeal of criminal cases from the Supreme Court of Utah to the Supreme Court of the United States. If this were done, he says, Brigham Young would at once plead guilty to the charge of violating the statute in question, and a case could be made up and a decision had from the Supreme Court during the present term. Mr. Bates does not think the leading Mormons are disposed to accept Delegate Hooper's plan for settling the difficulty, namely, that on condition of being admitted as a State they voluntarily renounce polygamy as far as future marriages are concerned. They still talk of polygamy as a Divine ordinance, which they are not free to give up without sinning against their religion. Even if they should accept of Mr. Hooper's compromise, it is doubtful if Congress would carry out its part of the bargain. Apart from the disinclination to give to the Mormons the powers of a State Government, there is very strong objection made to admitting any more States that have not population sufficient for one member of Congress. The views of U. S. Attorney Bates will doubtless have little effect upon the Administration for reasons which now appear insurmountable. No law exists for the payment on the part of the United States of expenses attending criminal prosecutions in the Territories. The expenses in the Utah trials thus far have reached the sum of $20,000, which the Controller refuses to pass on the ground of illegality of the expenditure. The expenses for Grand Jury, witnesses, and outlays of this character, are chargeable to the Territorial Government, the people being supposed to be willing to pay these sums to preserve the law. But in this case the people do not sustain the case, and the trials cannot, therefore, go on unless Congress appropriates money for the purpose. —*Washington Correspondence of N. Y. Tribune, Jan.* 24.

PAYING FOR THE MORMON PROSECUTIONS.

Washington, Jan. 25.—The condition of affairs in Utah, as connected with the judicial machinery of that Territory, were this morning presented to the House and Senate committees on Territories by George C. Bates, the United States district attorney. It appears from his statement that the attorney general is powerless, by the decision of the comptroller of the treasury not to pay the expenses of the criminal trials, and that the Territorial Legislature, of course, will not provide the means to prosecute themselves for polygamy. He represents that there are some twenty prisoners now confined at Camp Douglas at great expense, the government having no jail in which to keep its prisoners, and he intimates that as there is a question as to the legality of the composition of the grand jury which found the indictments upon which they were arrested, which is now being considered by the United States Supreme court, an action for trespass may hereafter be brought. He represents that on December 4, 1871, when he entered on the discharge of his duties, he found several prisoners to be tried before a United States court and jury upon a Territorial law, and that no means could be obtained to defray the expenses of their trial; that he, by permission of the attorney general, had the cases postponed until the second Monday in March, in order that he may present the facts to Congress. Mr. Bates sums up his memorial by saying the attorney general of the United States is forbidden to pay the expenses of these prosecutions, the comptroller of the treasury has refused to allow them and declares that they can only be paid by the Territorial legislature, and the legislature of Utah will not appropriate money to punish themselves for lewd and lascivious cohabitation. So the question now is, will Congress furnish the means to pay witnesses, jurors and other expenses of these criminal prosecutions or order them dismissed and abandoned? He makes the pertinent inquiry, in concluding his memorial, "whether crime must go unpunished because Utah authorities will not do their duty and the United States cannot."—*Washington Correspondence of New York Herald.*

RESOLUTIONS OF RESPECT for and sympathy with the family of the late Richard Golightly by the members of Capt. M. Croxall's band, of which he was a member.

Whereas, it having pleased Providence to call from us our friend and fellow bandsman, Richard Golightly; from respect to his memory and the warm friendship we entertain for him and for his many excellent qualities of hand and heart, be it

Resolved, That we hereby express our sincere sorrow at being called upon to part with a good man, endeared to us by long years of close association; while sensible that he has passed to a better and brighter sphere.

Resolved, That we extend our most heartfelt sympathies to his family in this their great bereavement.

Resolved, That a copy of these resolutions be forwarded to the DESERET NEWS and *Salt Lake Herald* for publication.

(Signed) M. CROXALL,
On behalf of the band.

MORE OF THEM.—Some more non-payment of liquor license cases before Judge Clinton to-day.

FOR SALE, A RANCHE, $200.

SITUATE six miles north of Oxford, Cache Co. Plenty of good range, good farm and hay land on the premises. A good spring for house purposes and irrigating, with dams for fish-farm, water ditches, etc. A house and corral. For particulars apply to

A. F. WELCHMAN,
w32 Oxford, Cache Co.

ESTRAY!

I HAVE in my possession one roan heifer, two years old this spring. If not claimed within 10 days from date will be sold to defray expenses.

JOS. EGBERT,
Poundkeeper, Kaysville.
Feb. 19 1872. d75 s w 1c

FOUND!

AT the Sevier Bridge, north of Oak Creek about the 15th inst., a Pocket Book containing money. The owner can find same by applying to

O. B. COOLEY,
d75 s w 1c Kanosh City, Millard Co.

etc., reported back the claim of Drs Anderson, Richards, and Benedict, fo written opinion as to the condition o rooms prepared for the Legislative Assembly, and recommended that the amount of fifteen dollars be placed on the Appropriation Bill for that purpose.

Report adopted, and committee instructed accordingly.

Mr. Pace, from Committee on Counties, reported back adversely petition of Mr. James Leithead and 119 others, praying for a new County organization out of the eastern portion of Kane County. Report accepted.

Mr. C. C. Rich, from Committee on Claims and Appropriations, reported back the motion of Mr. Pace, for appropriation of three thousand dollars, "for the relief of the Utah County University," and recommended that the same be incorporated in Appropriation Bill. Report accepted, and Committee on Claims instructed accordingly.

Mr. Rich, from Committee on Claims, etc., reported back the claim of Theodore McKean. Territorial Road Commissioner, for services, amounting to $700, for the years 1869, 1870 and 1871, and recommended that three hundred dollars be appropriated for said services. Committee also recommended that the office of Road Commissioner be repealed, and that said duty be performed by the County Courts of each County, and that the Committee on Roads, Bridges, etc., be instructed to bring in a bill on that subject. Report accepted and Committee on Claims instructed accordingly, and Committee on Roads, Bridges, etc., were instructed to bring in a bill, in conformity with the recommendation of the Committee on Claims.

On motion of Mr. Reese adjourned till Thursday at 10 a.m.

[SPECIAL TO THE DESERET NEWS.]

By Telegraph.

SENATE.

Casserly made a motion that the P. M. General be requested to give information relative to the detention of mails on the U. P. and C. P. Railroads.

GENERAL.

WASHINGTON, 12.—Chief Justice McKean, of Utah, is expected here in the course of a few days, to consult Attorney General Williams concerning judicial affairs in Utah, which are considered here to be in such a confused condition, that not a few members of congress have said they will not vote a dollar for expenses till some satisfactory explanations are made concerning the recent trials in Utah. There is some talk of making provisions in connection with further appropriations to relieve the cases already tried of the embarrassments which have attended them, to avoid complication of United States with Territorial courts.

The London *Times* of January 26th, says of the Geneva arbitration that the protocol of May 4th, 1871, coupled with the provisions of subsequent articles is sufficient to show that the claims for indirect losses were not contemplated. Whether the claims for direct losses are admissable with respect to all vessels co prised in the American list is a stion left open by treaty, and therefore is properly cognizable by the arbitrators. It argues that Great Britain would have termina ed the treaty of conference had it been understood that a demand would be made for losses by the prolongation of the war; that the argument is one sided, and that the arbitrators have judged the conduct of England by rules that are unjust.

WASHINGTON, 14.—It appears from the reports sent to the Senate yesterday, by the President, that, practically, the information in possession of the Government regarding the Spanish and Cuban matters, was communicated to the House of Representatives on Dec. 20th, 1871.

The Senate, in executive session, yesterday, confirmed the following nominations: Edward D. McCook, Secretary for Dacota Territory; and Assessor of Internal Revenue, John P. Taggart, for Utah.

NEW YORK, 14.—A special London dispatch says the English government is continuing negotiations with regard to the treaty of Washington. As the case now stands the government could not hold office twenty-four hours. This is absolutely certain and cannot be stated too emphatically. Should the government go out on this issue, their successors, from the nature of the case, would be equally prevented from continuing negotiations; therefore arbitration is ended and the opportunity for accommodation will be lost unless a mutual understanding for adjusting the points of indirect losses is arrived at, the English Government having positively refused to pay the gross sum for all damages. A proposition of that nature cannot now be advanced. Should the American Government renew its own proposition, made March, 1870, in the protocol, it could be arranged on the basis that England pay the highest sum named by Amerdes, and that it be a million dollars in gold.

A Washington dispatch says, it is reported, in administration circles, that Secretary Fish will soon retire at the desire of the President, and that Generals Sickles and Banks are mentioned as aspirants to the place.

It is stated that the Geneva arbitration will have only a formal meeting in April. The statements of the cases submitted will require to be translated into French, as Count Selopis, and Baron Stalinba and Staemfli cannot read English.

SIOUX CITY, Iowa, 24.—There was a terrific storm here yesterday afternoon and last night. The weather until about 2 p.m. was warm and pleasant, when without a moment's warning, the storm burst forth in great fury. The snow fell rapidly and was driven about with blinding force, while the wind blew a hurricane; prostrating telegraph lines in every direction, and doing much damage in the city. It is said the loss of life will exceed that by any previous storm. Samuel Ellison, living eleven miles from here, was frozen to death during the storm last night. He had been to the city with his team; and when on his way home, about four oclock, when four miles from the city, he was overcome by the cold and perished. Several other deaths are reported but no particulars have been received. The weather to-day is bitter cold with the thermometer eighteen degrees below zero; the wind has gone down and the storm is nearly over.

The report of the death of Spotted Tail and his party has been received, and the story is generally credited here. Owing to the prostration of the telegraph wires it will probably be two or three days before any further news can be obtained.

NEW YORK, 14.—In the court of Oyer and Terminer, to-day, McKean, one of the counsel for Stokes moved that the court direct a verdict for the accused, on the ground that the district attorney's plea did not sufficiently traverse the averments as to the irregularities in the indictment against Stokes. Judge Cardoza said he would hear the evidence and decide accordingly. Two motions were made by Graham, of Stokes' counsel, for quashing the indictment, which were denied and the case was proceeded with.

SAN FRANCISCO, 14.—The residence of Wm. Barron, at Menlo Park, recently purchased, raised, refitted and repaired, was burned at 10 o'clock this morning. The fire was first discovered in the second story and is supposed to have been the work of incendiaries. The loss is estimated at $40,000.

The gamblers will plead guilty, proposing to pay a nominal fine, and agree to quit the business. If the municipal courts will permit this, the others under indictment will also plead guilty.

The report that A. Hayward has bought the Livingston interest in the Savage stock and now controls 115 shares in that mine is generally admitted to be true. Nevertheless, the price, as bid on the street before the board this morning, was only 240 There have been sales of Kentuck at 250 and Curry at 195. The market appears quiet and a little weak.

The Excelsior Gravel Mining Company, to operate in Plumas county, Cal., with a capital of $500,000, was incorporated to-day.

Advices from Mazatlan, *via* Cape St. Lucas, say the rebels still hold that city and had obtained some successes over the federal troops from Sonora. five thousand rifles, with ammunition, sent out from New York, for the use of the rebels at Mazatlan, were seized by the government officers at Acapulo.

NEW YORK, 15.—Knapp, receiver of the Bowling Green Savings Bank, made a statement to the depositors last night, implicating Walter Roche and Reves, Sand and Frank Smith. The two former, it is stated, traveled in Europe and charged expenses to the Secretary's account.

OMAHA, 25.—Officers of the U. P. R. R Co. publish a lengthy statement of the history and present condition of the snow blockade on that road, in which they claim that no efforts or expense have been spared to overcome the difficulties, but that the weather has been unprecedented in the history of the country for snow and wind storms, and that it has been simply impossible to keep the road open. They promise, however, now that they know exactly what they have to contend against, that another season will find them prepared for any emergency. They say the only obstructions now are between Laramie and Wasakie, along the divide, a distance only of 179 miles. They say there has been no suffering amongst the detained passengers for either fuel or food, and that there will not be as they are supplied in abundance by the company. There are now seven west bound passenger trains detained near Separation, which is 29 miles distant from the western boundaries, of the blockade, and there are two east bound passenger trains at Green River, waiting until the west bound trains shall pass the blockade. At various points along the road there are about 800 west bound cars of freight and about 200 cars of freight east bound.

On the night of 13th a locomotive boiler exploded on the Susquehanna depot of the Erie road, causing a tremendous smash of the locomotive which was behind. The exploded one, was pushed and ran into the caboose of the train and made a complete wreck. The conductor and four persons were in the car. Several were injured. Patrick McKay, on one side of the track, an old man, was found with two ribs broken and a large hole cut in one of his legs. On the other side of the track was his son, with his legs mangled. The caboose took fire, but subsequently it was extinguished.

O'Donovan Rossa's petition, claiming the senatorial seat of Tweed will be laid before the legislature to-morrow. Rossa brings testimony to show that at least 6,000 votes, which were registered in favor of his opponent, belongs of right to him. An Annapolis dispatch says at the meeting of the Democracy of the members of the Maryland legislature last night, senator Hamilton and congressmen Merrick and Ritchie advised the party to remain inactive.

CINCINNATI, 15.—A destructive fire occurred at Sharpsburg, Bath county, Kentucky, on Tuesday last, commencing at the Presbyterin church, and burning five of the best business houses in town. Three men were arrested, charged with starting the fire and it was with difficulty the mob were prevented from hanging them.

AUGUSTA, Maine, 15.—The Republican caucus of the members of the legislature last evening elected delegates to the Republican national convention at Philadelphia. Resolutions were adopted, endorsing Grant and Colfax.

WASHINGTON, 15.—It appears from official documents that the number of steamers on the Atlantic coast, inspected in 1871, was 1410; the value of property destroyed by fire, explosion, collision, and wreck was $1,324,000; the lives lost were 319; number of steamers inspected in waters flowing into the Gulf of Mexico, 1077; property destroyed $1,414,000; lives lost 695; number of steamers inspected on the lakes, 640; property destroyed $496,000; lives lost 235; number of steamers inspected on the Pacific coast 180; lives lost 206; no statement of property destroyed.

FOREIGN.

LONDON, 12.—The *World's* special says the conflict of opinion in England on the *Alabama* claims question increases. A meeting will soon be held to oppose the course of the government and demand a settlement of the *Alabama* claims, the sum paid to the United States to be subsequently recovered of the builders of the vessel which caused the damages.

A party in parliament is prepared to move for a resignation of the present ministry on the groun l of its blundering incapacity, and the formation of a cabinet which shall propose a settlement of the American claims on a new basis.

The Daily *News* asserts that public opinion in Germany is strong in condemnation of the course of the United States government in connection with the *Alabama* claims.

Gladstone in replying to a question in the Commons to-day, stated that the case of the American government submitted to the Geneva board had not yet been presented and it would therefore be unjust to publish the document here at present.

LONDON, 12.—In the House of Lords this evening the Duke of Argyle announced that the government had received official information of the assassination of the Governor General of India, Earl Mayo, and with several other lords pronounced eulogies on the deceased.

In the Commons Gladstone stated that on the evening of the 8th inst., Earl Mayo was stabbed by a Mahomedan convict and soon after receiving the wound expired. Disraeli and others referred to the great public services of the Earl in terms of the highest praise, and expressed the regret which the whole country would feel at the sudden death of so distinguished a statesman.

LONDON, 14.—The English expedition in search of Dr. Livingstone has left London, sufficient funds having been subscribed.

Lord chief justice Cockburn, the British member of the Geneva board, approves the government's refusal to admit claims for indirect damages.

William Fowler, member for Cambridge, addressing his constituents last night, dwelt at some length on the *Alabama* claims. Alluding to the claim for indirect damages, he said England should not bluster, nor should she submit to be bullied. He believed the country to a man had made up their minds that if their American cousins wanted the money, they would have to come and take it.

OBITUARY.

Twelve weeks ago to-day we recorded the death of Sister Margaret J. Hoagland, wife of Bishop Abraham Hoagland of the 14th Ward of this city. To-day, Thursday, Feb. 15th, 1872, it becomes our duty to chronicle his demise. BISHOP ABRAHAM HOAGLAND died of pneumonia at 6.45 yesterday evening. His health had not been as good as usual for two or three weeks back; but he continued to attend to his duties with his accustomed promptitude until Wednesday the 7th inst., when he was compelled to retire to bed. The attack was a very severe one, and everything that faith, skill and good nursing could do for him was done; but death triumphed. He retained his consciousness almost to the time of his departure; even after his sight had failed, and he was too weak to speak, when asked if anything could be done for him, he comprehended the question, and shook his head. When he passed away it was as though he had fallen asleep, so gently and calmly did his spirit take its departure. The deceased was born March 24th, 1797, in the town of Hillsborough, Somerset County, New Jersey; had he lived until next March he would have been 75 years old. In the year 1825 he left his native State and went to Michigan, where he bought a farm in the town of Royal Oak, Oakland County; he afterwards returned to New Jersey, married and returned to Royal Oak, at which place he continued to reside until he emigrated to Nauvoo. The subject of religion early occupied his attention, and he earnestly sought the Lord to reveal to him the truth. At the time the Elders of the Church of Jesus Christ of Latter-day Saints visited his neighborhood he was a deacon in the Congregational Church, zealously striving to keep the commandments of the Lord to the best of his knowledge. When he heard the fulness of the gospel, he felt that there was truth which he had not obeyed, and he determined to embrace it whatever the consequences might be; and from the day of his baptism up to the last moment of his life, he never wavered nor had any other feeling than one of rejoicing at the thought that he was counted worthy to be a member of the Church of Jesus Christ of Latter-day Saints. He was baptized March 31st, 1841, by Elder Asaph Blanchard, was ordained a teacher. In the spring of 1843 he moved to Nauvoo and was ordained an Elder under the hands of the Prophet Joseph Smith. At Winter Quarters, by direction of President Brigham Young, he was ordained a Bishop under the hands of Elders Orson Pratt and Wilford Woodruff. In 1847 he moved to this valley, where he has resided ever since. When the people moved out of the forts, and wards were organized, he was chosen counselor to Bishop John Murdock, of the 14th Ward. The latter was selected as a missionary, and left for Australia early in the spring of 1851. From that time Bishop Hoagland has acted as bishop in that ward, enjoying to a remarkable extent the love and confidence of the people, to whom he has been a kind and affectionate father and who have revered him as such. While he will be greatly missed by his family and friends, it is no cause of heartrending grief for a faithful man, ripe in years, in the fulness of his honors, in the possession of his office and the love of the people, to pass away. It is thus that Bishop Hoagland has departed, and thus he wished to depart—discharging the duties of his office almost to the last day of his life.

The funeral will take place at half-past nine o'clock on Saturday morning at the 14th Ward Assembly Rooms. Friends are respectfully invited to attend.

THE LATE HONORABLE PETER MAUGHAN.

The following biographical sketch and tribute of respect to the late Honorable Peter Maughan, Member elect from Cache and Rich counties, was presented and read in the House of Representatives of the Territorial Assembly, February 5th, and on motion of Mr. Wright, was requested to be published in the DESERET NEWS.

Honorable Peter Maughan, son of Wm. and Martha Maughan, was born in Cumberland county, England, on the 7th day of May, 1811; died in Logan City, Cache county, Utah, on the 24th day of April, 1871, in the 59th year of his age.

In early life he was noted as being energetic, enterprising and full of integrity.

He married Ruth Harrison in the year 1830, and in the spring of 1841 emigrated to the United States, arriving the same fall at Nauvoo, Illinois.

In the year 1850, he immigrated to Utah; settled in Tooele county, from which he was elected Representative to the Legislative Assembly, in the years 1856-7.

He then moved to Cache county, and was foremost in making the first permanent settlement at Wellsville, thence moved to Logan City.

He was elected a Representative to the Legislative Assembly, from Cache and Rich counties, which position he filled with honor and dignity until his death.

In 1856 he was elected Probate Judge of Cache county, which position he made honorable until December, 1865. He was also elected Brigade Quarter-Master of the 1st Brigade of Cache military district in Aug., 1865, and served in that capacity, on the staff of Brigadier-General B. T. Benson, and also on the staff of Brigadier-General William Hyde, until the time of his demise.

His wisdom and integrity were prominently displayed in his intercourse with the Indians, whose respect and confidence he secured and retained, and by his firm, kind treatment, preserved peace in times of great peril. By the Indians he was always spoken of as having "but one tongue." His remains were followed to the tomb by the whole tribe as sincere mourners.

In a religious capacity he was untiring and faithful, full of truth and integrity, serving as Bishop's councilor in Tooele County, and Presiding Bishop of Cache County from its organization until his death.

His course of life was that of an honest man, marked by the most unblemished integrity in all his private and official acts, while he was also noted as the friend of the poor.

As a high-minded gentleman we lament his loss, at the same time realize that we can pay his memory no higher tribute of respect than to cite his just and honorable course in life, which was unbiassed by narrow prejudices, and unsullied by party feelings, and will ever cause his memory to be held in the highest reverence and esteem.

The country has lost a great and good man, his family a kind and affectionate husband and father, with whom we sincerely sympathize in this dispensation of Divine Providence.

Correspondence.

KAIAPOI, New Zealand,
December 26, 1871.

To President Geo. A. Smith:

Dear Brother:—I am happy to be able to say that the work in this Mission is onward and upward. The Lord is blessing my poor endeavors; I never preach in any place, but I am privileged to baptize some, and I also leave seed that comes up after I have left for other fields.

On the fourth of June last a small company of Saints left Sydney by the steam ship *Wonga-Wonga* (Halls line) for San Francisco on their way to Utah. They were under the charge of elder Edwin Saville Kearsley. They were all apparently good faithful saints when they left. I have never heard either from them or of them since they left here. If you know anything about them or can get me any information about them, I shall be glad, as their silence is a source of great annoyance to me. Those I especially refer to are Edwin Saville Kearsley and wife, and Joseph Dover and wife and child, and the Councill family.

At that time some thirty or forty more would have emigrated, but they were prevented, not being able to dispose of their property in time. Two families, Elder Dryden, wife and four children, and brother Joseph Fawcett, wife and three children, will leave New Zealand by the steam ship *Nevada* (Webb line), on the first of January next for San Francisco on their way to Utah, and some four or five families more purpose leaving New Zealand about April next. About ten families I hope will leave Sydney about May.

ROBERT BRANCH AMP.

The emigrants mentioned as leaving in June, arrived in this city in due course of time. The others, mentioned as to sail in January, arrived here on Saturday night last, February 10th, all well so far as we learn.—ED. NEWS.

Philosophy of Tippling.

It's an old piece of advice, but it's worth repetition: Don't drink freely of spirits. Don't drink because you are despondent, because you are dull, because you want excitement, or because you feel gay, and would feel gayer. Drink for despondency? For every blue devil so driven away ten will return to reinforce him. Drink against dullness? For the few days of fleeting, baleful light so brought to you, there shall afterward come clouds as thick and black as those which darkened the Heavens over Herculaneum and Pompeii. Three times out of four, the blues means a torpid liver. Bad blood sent to the brain generates gloomy thoughts. The life current is not circulating through your body with sufficient power to keep the many and varied departments in proper action; alcohol gives it a spasmodic impulse. The wheels of life for a few moments are sent whizzing and spinning around, then comes reaction; and they turn more sluggishly than ever. The only good spirits in the world are resident in good blood. The worst ones live in bad. 'Tis that which sends false imaginations, suspicions, and despondencies to the brain. Moderate tippling is the father of dyspepsia. Intoxication in any degree will cause you to overrate your power and distort your judgment. The reaction causes you to underrate and sinks you in your self-esteem. So the drinking man lives on a see-saw. Now up in the false sunshine of vanity, now down in the gulfs of self-depreciation. So the devilish spirit of wine plays with humanity, and well it earns the title of "Mocker."—*Ex.*

A Scotch Minister on Drinking.

A Scotch minister was urged by his congregation to preach a sermon on intemperance, as it was a vice very prevalent in his parish, and much good might result from its denunciation by the holy man. Accordingly the Reverend Sawney complied. He said:

Whatever ye do, brethren, do it in moderation, and, aboon a' be moderate i' your dram drinkin'. When ye get up indeed ye may take a dram, and anither just afore breakfast, and perhaps anither after, but dinna be always dram drinkin'. If ye are out i' the morning, ye may just brace yoursel' wi' anither dram, and tak' anither i' the forenoon, but dinna be always dram-dramming. Nabody can scruple for ane just before dinner; and when the dessert is brought in, and after it's ta'en awa, and perhaps ane, or, it may be twa, or in the course o' the afternoon, just to keep ye frae drowsying and snoozling; but dinna be always drinkin'. Afore tea and after tea, and between tea and supper, and before and after supper, is no more nor right and gude; but let me caution ye, brethren, not to be always dram, dramming. Just when ye're goin' to bed, and when ye're ready to pop into't, and perhaps when ye wake i' the night, to tak' a dram or twa is no more nor a Christian may lawfully do; but brethren, let me caution ye not to drink more than I've mentioned, or, maybe ye may pass the bounds o' moderation.

EXECUTOR'S NOTICE.

THOSE persons who are owing the estate of William Lloyd, deceased, are hereby requested to settle their indebtedness forthwith, and all persons having claims against the estate will present the same for adjustment and settlement to the Executor.

W. H. CRAWFORD, Administrator.
Washington, Utah, Jan. 1, 1872. w6 1m

NOTICE

IS HEREBY GIVEN that I Daniel H. Wells, Mayor of Salt Lake City, U. T., did on the 21st day of November, 1871, enter in the Land Office at Salt Lake City, U. T., for the several use and benefit of the owners and inhabitants thereof the following described land, namely: Lots 1 and 2 and S ½ of Sec. 30, all of Sec. 31, S ½ of Sec. 32 T 1, N R 1 E, also E ½ of Sec. 25, the E ½ of N E ¼ SE ¼, and Lots 3 and 4 in Sec. 35, all of Sec. 6, T 1 N, R 1 W, also Lots 1, 2, 3, 4, in Sec. 4, all of Sec. 5, all of Sec. 6, N ½ of Sec. 7, N ½ of N E ¼, and N W ¼ of Sec. 8 and Lot 5 in Sec. 1, T 1 S, R 1 E, also all of Sec. 1 Lots 1 and 2 and the S E of N E ¼ and E ½ of S E ¼ of Sec. 2, the N E of N E of Sec. 11 and N ½ of Sec. 12, T 1 S 1 W, containing in all 3,739 acres and 45 hundredths.

Any person or persons having claims in the above survey of land will file the same with the Clerk of the County Court of Salt Lake County before the 21st day of May, 1872, as prescribed by law.

DANIEL H. WELLS, Mayor.

140,000

SINGER SEWING MACHINES

WERE SOLD DURING THE PAST YEAR.—*Scientific American, June 10, 1871*

—:o:—

The Singer Manufacturing Company,

AT THE

WORLD'S FAIR,

Constituted by the homes of the people,

Received the Great Award of the Highest Sales! and have left all Rivals far behind them! As the following article shows:

"SEWING MACHINE SALES FOR 1870.

The magnitude to which the manufacture of sewing machines has attained is shown by the sworn" *returns* (*to which* anyone can have access,) of the manufacturers for the year 1870 to the owners of the leading patents, on which they pay a royalty. According to these returns the number of machines sold by each manufacturer in 1870 is as follows

		Difference.
The Singer Manufacturing Company	127,835	
Wheeler & Wilson Manufacturing Company	83,208	44,627
Howe Machine Company	75,158	52,677
Grover & Baker Sewing Machine Company	57,407	70,431
Weed Sewing Machine Company	35,003	92,831
Wilcox & Gibbs Sewing Machine Company	28,890	98 943
American Buttonhole & Overseaming Company	14,573	113,260
Florence Sewing Machine Company	17,660	110,173
Gold Medal Sewing Machine Company	8 912	118,921
Ætna Sewing Machine Company	5,906	122,927
Empire Sewing Machine Company	3,560	124,273
Finkle & Lyon Manufacturing Company	2,420	125,413
Parham Sewing Machine Company	1,768	126,067
Wilson	533	127,333

And several other Companies who sold a few Machines.

It will be seen by this table that the popularity of the Singer Machines far exceeds that of all the others, their sale being one-half greater than even that of the famous "Wheeler & Wilson" Machine. This is owing to the fact that the Singer Company have lately commenced making, besides their old and well-established manufacturing machine, what is known as their "New Family Machine," which is selling at the rate of nine to one better than the old style. Their total sales for 1869 were 36,781 machines against the 127,835 of 1870, showing an increase of one half in the latter year."—*New York Sun.*

The total Sales of "Singer" Machines are very nearly

THREE QUARTERS OF A MILLION!!!

Two Thirds of which were Sold within the Last Three Years, and all are in-

SUCCESSFUL DAILY USE!

And still there are Agents, for even the poorest Machines, who persist, in the most "unblushing manner," in decrying ours, as if it were possible for the "Overwhelming and Rapidly Increasing Majorities of Singer Purchasers" to be mistaken.

We are not so vain as to suppose that these large sales are due to superior business capacity so much as to the superior merits of the Singer Machines, as well as the

OBSERVATION OF THOSE WHO BUY AND USE,

And are personally interested in comparing the merits of the different Machines before making a selection.

THE

"NEW FAMILY SINGER" SEWING MACHINE,

WITH ATTACHMENTS FOR ALL KINDS OF WORK,

We claim and can show is the cheapest, most beautiful, delicately arranged, nicely adjusted, easily operated, and smoothly running of all the Family Sewing Machines. *It is* remarkable not only for the range and variety of its sewing, but also for the variety and different kinds of texture which it will sew with equal facility and perfection, using silk twist, linen or cotton thread, fine or coarse, making the INTERLOCKED-ELASTIC-STITCH, alike on both sides of the fabric sewn,

The only STITCH that is Universally Approved, or is at all adapted to

FIRST-CLASS WORK.

Thus, beaver cloth, or leather may be sewn with great strength and uniformity of stitch, and, in a moment, this willing and never-wearying instrument may be adjusted, even by a child, for fine work on gauze or gossamer tissue, or the tucking of fairlaine, or ruffling, or almost any other work which delicate fingers have been known to perform.

All Machines Sold Guaranteed to give Entire Satisfaction!

Terms to Suit All!

OTHER MACHINES THOROUGHLY REPAIRED AT REASONABLE RATES!

WE MAKE NO CHARGE FOR CARTAGE WITHIN SALT LAKE CITY!

BEWARE of Spurious Needles, Poor Silk, Twist, Linen and Cotton Thread, Bad Oil, etc., *Which may render the Best Machine Useless.* The Singer Company manufacture their own Needles, Silk and Twist; furnish Linen and Cotton Thread and Oil — all of Superior Quality — but which can be relied on only when obtained through their Principal or Branch Offices.

THE SINGER COMPANY have, for the past three years, been unable to supply the demand for their machines, though much has been done to increase their manufacturing facilities. Much more is being done at home and abroad in enlarging their present manufactories, building new ones, availing of the best machinery, and the services of the most skillful artizans, in the hope of being able to accept propositions for agencies, where such are not already established, though they are now tolerably well represented throughout the civilized world.

Be Sure to get the Best. Before you Purchase be sure to see the "Singer" at the Central General Agency, Singer Sewing Machine Hotel Z. C. M. I., EAST TEMPLE ST., second door South of Eagle Emporium, SALT LAKE CITY.

w33 tf **H. B. CLAWSON, Supt.**

Z. C. M. I.

—o—

WHOLESALE DRY GOODS

DEPARTMENT,

UP STAIRS, EMPORIUM BUILDINGS.

A full first class Stocks of

STAPLE DRY GOODS

NOTIONS, BOOTS AND SHOES,

AT LOW PRICES!!

☞ Wholesale Buyers and Co-operative Dealers, please inspect.

Retail Dep't,

EMPORIUM BUILDINGS.

THE FINEST DISPLAY

AND

Assortment of Goods

☞ *We cut in any lengths, at a small advance on wholesale.*

This is the Department for Families.

GROCERY AND HARDWARE

DEPARTMENT,

Constitution Buildings.

Purchasers can here find

An Immense Stock

And in each branch a Great Variety.

IMPLEMENTS, TOOLS and MACHINERY,

All on the premises.

☞ *Miners' Supplies a Specialty.*

CLOTHING

DEPARTMENT.

HOME-MADE

AND

IMPORTED!!

Manufactured from

HOME-MADE,
FRENCH,
GERMAN,
ENGLISH and
AMERICAN
FABRICS

Fine Cassimeres, Cloths and Trimmings

On hand for Gentlemen ordering their own

☞ *First-class Fitters and Workmen to fill all orders promptly.*

DRUG DEP'T.

FANCY AND STAPLE

DRUGS,

Patent Medicines,

Perfumery,

Liquors in great variety

English Ale and Porter, Averill Paint, White Lead, Oils, Colors, Glass, etc.

☞ Prescriptions from Physicians will have special attention.

H. B. CLAWSON, Supt.

J. M. JOELSON,

Dealer in

FURNITURE,

And Manufacturer of

Upholstery, Mattrasses, &c.,

GROESBECK CORNER, Opposite the *WHITE HOUSE,*

SALT LAKE CITY, UTAH.

w49tf

SALT LAKE IRON WORKS!

ONE BLOCK SOUTH OF DEPOT.

C. B. HAWLEY, PROPRIETOR.

The Only Complete Works in Utah!

Iron and Brass Foundries, Machine and Fitting Shop, Blacksmith Shop, Pattern Shop.

Filling Orders for all kinds of Gearing, Machinery, or Repairs, with Accuracy and Dispatch. ☞ Cash Paid for Old Castings! w48 3m

WM. CLAYTON, Notary Public, ... S. J. JONASSON, Conveyancer,

CLAYTON & JONASSON,

CONVEYANCERS AND COLLECTORS.

COLLECTIONS in all Parts of the World Promptly Attended To

MINING and other Companies Incorporated under the Laws of Utah.

DEEDS, Bonds, Contracts, Powers of Attorney, and Legal Instruments of all kinds Drawn with Accuracy and Dispatch.

LOANS NEGOTIATED.

REAL ESTATE Bought, Sold, or Leased.

BILLS OF EXCHANGE, Promissory Notes, Drafts, etc., Protested.

ACKNOWLEDGMENTS of all kinds of Instruments of Writing Taken.

WILLS and all kinds of Testamentary Documents carefully drawn, on short notice.

Particular Attention given to the Settlement of ESTATES, ANNUITIES, and Collection of Money in Great Britain and Scandinavia.

Inquiries by Letter Promptly Answered From long experience and acquaintance with the business, and the determination to be moderate in our charges, we feel confident of a fair share of Public Patronage.

OFFICE—East Temple St., over Dunford & Son's Store, a few doors North of 1st National Bank. w38 1y

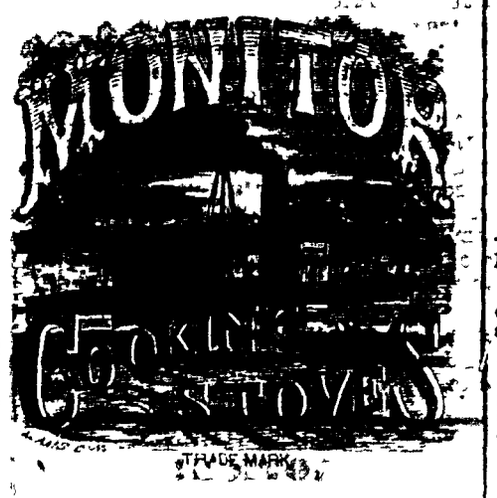
GOLD MEDAL

AWARDED AT THE

CINCINNATI

INDUSTRIAL EXPOSITION, 1871,

TO THE



For Coal and Wood.

THE BEST BITUMINOUS

Coal Cooking Stoves

IN THE WORLD.

26,374 In Use.

FIRESIDE!

FOR COAL

The Most Efficient, Convenient and Durable

Open Front Stove

In the Market.

WM. REZOR & CO.,

CINCINNATI, O.

a34 w42 3m

PRIVATE HOSPITAL!

13th Ward, S. L. City.

W. F. ANDERSON, M.D., Prop'tor.

TERMS invariably in Advance for Board, Medicine, Medical Attendance, &c. $25 to $35 per Week.

Parties residing at a distance, requiring surgical operations, would do well to give me a call. W. F. ANDERSON.

w51 3m

NOTICE.

TO WHOM IT MAY CONCERN: That entry for the town site of Hennefersville, Summit County, Utah, made November 10, 1871, embracing the S½ W¼ and W½ NE¼ of Sec. 1 N. East N. W. ¼ and N. W. ¼ N. E. ¼ Sec. 6, Township 3 N., R 4 E., in all 320 acres, has been made in trust for the inhabitants; and is now ready to be disposed of in lots, to any person or persons entitled thereto.

All persons claiming to be owners or possessors of any portion of said entry, will take due notice and make the application as provided in the statutes of Utah.

A. E. HINKLEY, Probate Judge.

Coalville, Dec. 11, 1871. w45 3m

A. T. GREEN,

Commission Merchant

and

Purchasing Agent,

No. 8 Front Street, San Francisco Cal.

w45 1m dp

ATWOOD & BODWELL

211 and 213 Mission Street,

San Francisco Cal.,

MANUFACTURERS OF THE

EXCELSIOR

and

GOLDEN STATE

WIND MILLS

LITTLE GIANT

Horse Powers,

BRASS PUMPS,

WATER TANKS,

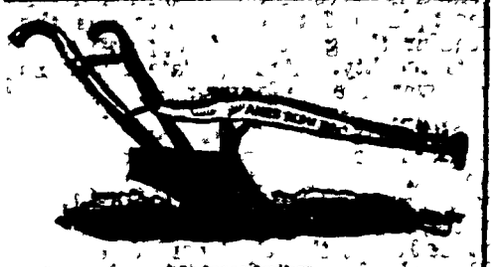
&c., &c.

N. B.—We have made the Manufacture the above machinery a Specialty for the last ten years, and guarantee all our work. d214 1y

KNOX'S

Patent Hard Steel

{P} {L} {O} {W} {S} {!}



Made only by

AMES PLOW COMPANY

Manufacturers of Agricultural Implements and Machines.

Quincy Hall, and 55 Beekman St., BOSTON, Mass. NEW YORK.

☞ Send for Descriptive Circular. w51y

Wm. TAYLOR & SONS,

COLUMBIAN

IRON WORKS,

26 to 40 Adams St.,

Brooklyn, New York

Manufacturers of

STARKEY'S

Steam Engine & Centrifugal Pump,

Also

Hydrostatic Oil Presses

For Cotton and Linseed Oil and other purposes.

STEAMBOAT ENGINES,

HOISTING, MINING and

WRECKING MACHINERY

(Iron and Brass Castings of every description

a25 1y w1

THE DIFFERENCE.

There was an old lady all dressed in silk,
Who lived upon lemons and buttermilk;
And, thinking this world was a sour old place
She carried its acid all over her face.

Another old lady, all dressed in patches,
Lived upon nothing but Lucifer matches;
So the world, it made her strangle and cough,
And sure as you rubbed her you set her off.

Another old lady, all sunny and neat,
Who lived upon sugar and everything sweet;
Destined, when she heard of their troubles, she "never!"
For the world was so nice she could live on forever.

MORAL.

Now, children, take your choice
Of the food your heart shall eat;
There are sourish thoughts, and pleasant thoughts,
And the sweet all good and sweet.
And whatever the heart feeds on,
Dear children, trust to me,
Is precisely what this queer old world
Will seem to you to be.

GOOD AND BETTER.

A father sat by the chimney post
On a winter's day, enjoying a roast;
By his side a maiden young and fair,
A girl with a wealth of golden hair.
And she asked the father, stern and cold,
With a question of duty, trite and old:
"Say, father, what shall a maiden do
When a man of merit comes to woo?
And, father, what of this pain in my breast?
Married or single—which is the best?"

The sire of the maiden young and fair,
The girl with the wealth of golden hair,
He answered as ever do fathers cold,
To the question of duty trite and old:
"She who weddeth keeps God's letter;
She who does not, doeth better."
Then meekly answered the maiden fair,
The girl with the wealth of golden hair:
"I'll keep the cause of the Holy Letter,
Content to do well without doing better."

WHAT SLEEP WILL CURE.

The cry for rest has always been louder than the cry for food. Not that it is more important, but it is harder to get. The best rest comes from sound sleep. Of two men or women, otherwise equal, the one that sleeps the best will be the most moral, healthy and efficient.

Sleep will do much to cure irritability of temper, peevishness, uneasiness. It will cure insanity. It will build up and make strong a weak body. It will do much to cure dyspepsia, particularly that variety known as nervous dyspepsia. It will relieve the languor and prostration felt by consumptives. It will cure hydrophobia. It will cure headache. It will cure neuralgia. It will cure a broken spirit. It will cure sorrow.

Indeed, we might make a long list of nervous maladies that it will cure.

The cure of sleeplessness, however, is not so easy, particularly in those who carry grave responsibilities. The habit of sleeping well is one which if broken up for any length of time, is not easily regained. Often severe illness treated by powerful drugs so deranges the nervous system that sleep is never sweet after. Or perhaps long-continued watchfulness produces the same effect; or hard study, or too much exercise of the muscular system, or tea and whisky drinking and tobacco using. To break up the habit are required:

1. A good clean bed.
2. Sufficient exercise to produce weariness, and pleasant occupation.
3. Good pure air and not too warm a room.
4. Freedom from too much care.
5. A clear stomach.
6. A clear conscience.
7. Avoidance of stimulants or narcotics.

Judge Brady of New York says patent medicine venders can be held to a strict legal accountability for the assertions made in their advertisements.

"Hunting the tiger, gentlemen," observed an English officer, relating his East India experience to a friendly circle at a London club, "is capital sport—nothing better—except when the tiger takes it into his head to hunt you; then it is apt to become too exciting."

Smith and Jones were at the menagerie, and the conversation turned on Darwin's theory. "Look at the monkey," said Smith, "think of its being an undeveloped human!" "Human!" said Jones, contemptuously, "it's no more human than I am."

Correspondence.

ALTA CITY, Little Cottonwood,
Feb. 9, 1872.

Editor Deseret News:

Dear Sir—A meeting was held here last night by miners and citizens, twenty-one in number, regarding the actions of Judge J. B. McKean. After some preliminary remarks, they resolved to uphold him in all murder cases, regardless of party, sect, or creed.

Before closing the meeting they made a motion in favor of McKean's being held in his present position, fourteen of the number were opposed to it, leaving a minority of seven in favor.

Parties who were there inform me they came near breaking up in a general row.

Maxfield and Co. are trying to keep the road open during the storms, but if the snow keeps drifting as it has been doing since last night, the probabilities are that the road will be blocked up again.

A new mine has lately been found between here and the Davenport mine, which is said to be richer than anything yet discovered in the canon. The crevice is four feet wide. They call it the "Matilda." This mine was partly developed last fall, but was thought worthless and abandoned until last week, when a rich vein was struck.

It is still storming, with no hopes of abating.

No more slides since Monday.

A.

SPRINGVILLE CITY, U. T.,
Feb. 10th, 1872.

Editor Deseret News:

Dear Bro.—My son, Ezra Mower, left this Territory in an early day and went to California, after which I learned that he took several voyages upon the sea, and at last returned to Napa City, got married and amassed considerable property at the latter place. Sometime afterwards I heard he sold out and came over into Nevada, where he resided a considerable length of time. When last heard from he left Nevada for California again.

As I am very anxious to learn of his whereabouts, will you please publish this note with a request that your numerous exchanges in California will please copy, and that if any persons shall happen to see this notice, that are acquainted with my son Ezra, they will confer a favor upon an aged parent by writing to me in relation to his whereabouts, circumstances, etc.?

HENRY MOWER, SEN.

ST. GEORGE, Utah, Feb. 5, 1872.

Editor Deseret News:

Parties are just up from St. Thomas, on the Muddy, who report considerable excitement in that section on account of the discoveries of placer gold diggings on the Colorado, above the mouth of the Virgen. The precious metal is found in the fine or flour state and it is reported that half an ounce is made a day to the hand. Several parties, numbering in all near fifty men, have made an outfit here and at the Muddy and gone over with three months outfit to work. The spot they have selected is above the mouth of Grand Wash, near the mouth of Diamond river, probably from 75 to 100 miles either from St. Thomas, St. George or Kanab. Parties have visited and prospected various places along the river, as well as the spot described and say that there is fine gold in the sands all along the river. The parties seem satisfied that they have a good thing and that the Colorado will be lined with mining camps ere another winter sets in.

Recent discoveries of magnificent silver lodes have been made at Antelope Springs, near Iron City, Iron Co. One lode, named the Silver Belt, 100 feet thick and near three miles long, is said to have assayed in Pioche $60 to the ton, average top rock, while the "Mann" lode from choice specimens went up to $1700 from top of ledge. Several other very promising lodes have been discovered there, a district has been organized called "Silver Belt," and work has been commenced. These new discoveries are creating quite an excitement in Dixie, and promise us lively times ere long.

Yours,

CACTI.

WASHINGTON, Feb. 7, 1872.

Editor Deseret News:

I live nearly 400 miles from Salt Lake City. I know but little that is transpiring except through the columns of the DESERET NEWS and lately there has been nothing said about the "Christmas gift to Jesus." I was once deeply interested in Presbyterianism, and have sat under the droppings of its sanctuaries. I well remember the splendid oratory of Professor Finny, the Oberlin evangelist. But I could not pass the Presbyterian gate, for two years previous I had been baptized by a Baptist elder, when a Methodist minister taught me it was a sin against the Holy Ghost. The sign on the Presbyterian gate being sprinkling, I could not very well get through that gate, unless the going down into the water was done away with. Now will it not be an equally up hill business for "Mormons" to be converted into Presbyterians.

The Millerites were a very accommodating society and liberal in their principles regarding baptism—each one was allowed to interpret the Scriptures according to his own judgment.

Mr. Editor, would it not be quite interesting if the reformers would send along a few Millerites to get up an excitement about the coming of Jesus. The Presbyterians are "building in haste the house of our God where Jesus shall wait to be gracious, where glad news of rest to the heavy-laden shall sound aloud, where many a straying sheep shall have got back to the fold, many a broken heart shall have found the balm of Gilead, and Christ in his glory shall indeed have entered into many a waiting spirit." Who can help being electrified by such glorious news of what is about to transpire?

One who is not Deluded, Down-trodden, or Deceived.

HAVING failed most woefully in point of numbers at the election, as everybody knew would be the case, notwithstanding all the dodges employed, the opposition of course will resort to other opposing methods, and endeavor to show that it is altogether wrong for the majority to gain the day even where universal suffrage is the law, and that it is nothing more than right for a miserable minority to rule over the majority, contrary to every principle of republicanism. Doubtless about this time the wires are and the mails (if they were running) would be burdened with highly sensational and slanderous reports of things at Salt Lake, in which the old citizens and the majority of the people of course are made to appear as veritable monsters of vice—dishonest, disloyal, alien, anti-republican, haters of the Union and the country, and all that buncombe sort of thing, which is too common in political life in most places of this Union and is the regular thing with the opposition in this locality. Among late telegrams westward are the following:

The early part of the day Liberals worked hard challenging [illegible] on the question of citizenship and preventing hundreds [illegible] of votes, but the Mormons soon convinced them that the labor was useless. Even children voted, and the Liberals soon abandoned the election as a farce.

Much indignation is expressed to-night on the fraud and mockery of the election. Such disgraceful abuse of the ballot-box privilege disgusts every loyal citizen. A memorial on the subject is to be sent to Congress.

All which shows that as the election proceeded and the opposition saw the palpable demonstration of no earthly chance of success, the gentlemen of that party became more hugely disgusted than ever, and, to mitigate the report of their utter and signal failure, profess to regard the whole proceedings as a farce. A shallow pretence, at best, manifesting the pitiful straits to which the opposition finds itself driven to bolster up its pretensions to weight and numbers and influence.

There has been recently brought out in England a machine for crushing and grinding bones by hand, so that a cook can break, crush or grind bones to any desired size. As a quarter of a pound of bones contain as much gelatine as a pound of meat, it is evident that a machine that enables us to recover the whole of this, and at the same time reduce the bones to a condition ready for conversion into superphosphate, must prove most decidedly useful. The crusher is made of steel and cast iron, and can be screwed to a block or solid table. It costs only about eight dollars in London.

DIED,

At Panaca, Feb. 3rd, ASAPH RICE. Born Jan. 18, 1817, in Ontario Co., New York. Patriarchally blessed by Patriarch John Smith, Nauvoo, Jan 12, 1846. Emigrated to Salt Lake Valley in 1847. Lived in Salt Lake city about three years. In April, 1851, married Sister Louisa Caulks. Settled at North Ogden. Afterward moved to Farmington. Volunteered at the settlement of Cache Valley and settled in Providence. October 22, 1856, was called on a mission to the Southern country and settled at the Beaverdams. At the breaking up of that settlement moved to West Point, on the Muddy. At the breaking up of that settlement moved to Panaca. At the Muddy took chills and fever, which, with other diseases, terminated his life. Was a member of the Thirteenth Quorum of Seventies, and a faithful Saint to the last. He leaves a numerous family. The funeral ceremonies, Feb. 4th, were largely attended.—[COM

In this city, at 10 a. m., 14th inst. JOSEPH MARCELLUS SIMMONS, of heart disease.

Deceased was the son-in-law of Bishop E D Woolley. He leaves a large family to mourn his loss. He was born in Cheshire, Berkshire Co., Mass., Sept. 3rd, 1824, and was baptized in Salt Lake City, in 1851. Some years since he was a member of the Deseret Dramatic Association, and was considered a very fair actor.

At the residence of Lorenzo Snow, Brigham City, on Sunday, Feb. 11th, LENORA ABIGAIL MORLEY.

Born at Becket, Berkshire Co., Mass., August 22, 1801. Baptized into the church by Joseph Smith, May, 1831, in Portage Co., Ohio. Gathered with the Saints to Kirtland. Was in the drivings and persecutions in Missouri and Illinois, gaining the respect and admiration of all around her. Since the death of Father Morley, she has resided in Brigham City, at the residence of her brother, Pres. Lorenzo Snow. At the organization of the Female Relief Society, she was chosen President of the society, and as such she was highly esteemed and loved by all. The funeral services, Feb. 12th, were held at the general place of meeting, under the directions of Elders Samuel Smith and Alvin Nichols, and appropriate remarks were made by Elder Smith and others. The citizens of Brigham City attended in mass. There were sixty-two vehicles, carrying between four and five hundred persons, and many following on foot to the grave, all anxious to manifest their feelings of respect for their much beloved sister in the gospel of Christ.—COM. W.

In this city, February 14th, 10.5) p. m., of dropsy, RICHARD GOLIGHTLY; born June 15, 1807, at Newcastle-on-Tyne, Northumberland, England.

Deceased emigrated to this country in the fall of 1852, and was baptized in October of the same year. A short time after his arrival in this city he became a leading member of Ballo's, now Croxall's, brass band. Soon afterwards he was ordained to the office of a Priest, and a short time subsequently to that of an Elder, and afterwards became a member of the Sixth Quorum of Seventies, from which position he was promoted to that of one of the Presidents of the Sixty-second Quorum. He also acted as a Teacher in the Eighth Ward for many years, to the satisfaction of the authorities thereof. He was well known for his sterling worth and integrity, and was much respected by his brethren for his energy and faithfulness in officiating in every position he was called to fill.

He was kind and obliging to all, and upright in his business dealings. He was the principal baker and confectioner in this city for many years previous to his death. He leaves a large family to mourn his loss. Some of his children are grown to manhood and womanhood and married.

In this City, Feb. 5th, EVE, wife of Wm. Bath, born June 15th, 1842.

Deceased leaves a husband and four children.

NOTICE!

TO WHOM IT MAY CONCERN. That cash entry No. 2626 for the Townsite of Harrisburg, Washington County, Utah Territory, made February 10, 1872, embracing the S W ¼ of the N E ¼ and S E ¼ of the N W ¼ and the N E ¼ of the S W ¼ of Sec. 28, Township 41, South of Range 14 West, containing 120 acres, has been made in trust for the inhabitants thereof and is now ready to be disposed of in lots to any person or persons entitled thereto. All persons claiming to be owners or possessors of any portion of said entry will take due notice and make the application as provided in the statutes of Utah.

Salt Lake City, Feb. 10, 1872.
W2&m WM. SNOW, Probate Judge.

NOTICE!

TO WHOM IT MAY CONCERN. That cash entry No. 2627, for the Townsite of Washington, Washington County, Utah Territory, made February 10, 1872, embracing the West ½ of Sec. M the N W ¼ of the N E ¼ of Sec. 14, and the S W ¼ of the S E ¼ of Sec. 11, Township 42 South of Range 15 West, containing 401 acres, has been made in trust for the inhabitants thereof and is now ready to be disposed of in lots to any person or persons entitled thereto. All persons claiming to be owners or possessors of any portion of said entry will take due notice and make the application as provided in the statutes of Utah.

Salt Lake City, Feb. 10, 1872.
W2&m WM. SNOW, Probate Judge.

FOR SALE!

ITALIAN BEES! guaranteed in good condition, at $20.

Also, OHIO IMPROVED CHESTER WHITE, ENGLISH BERKSHIRE and McGEE PIGS, at less than States prices. Send orders for bees as soon as possible to R. L. Campbell, Salt Lake City, or to the undersigned, as I contemplate going South in February. For particulars apply to WM. D. ROBERTS, Provo City, Utah Co.

ESTRAY!

THE undersigned has found on the range, a Black Pony Mare, four years old, with a pair of blankets strapped on and blind bridle and small cotton cord on her neck, a white strip on the forehead and shod all round, brand on the left shoulder, not legible. The owner will please prove property, pay charges and take her away.

HENRY B HAMMON,
Hooperville, Davis Co
w28

NOTICE.

TO WHOM IT MAY CONCERN. That cash entry No. 720 for the Townsite of Parsgonah, Iron County, Utah, made January 12, 1872, embracing the following described lands, to wit: S E ¼ Sec. 32 and W ½ of S W ¼ Sec. 33, Township 34 South, Range 8 W, containing 240 acres, and cash entry No. 721 for the Townsite of Summit, Iron County, Utah, embracing the following described lands to wit: S W ¼ of N W ¼ Sec. 26, Township 34 South, Range 10 West, containing 80 acres; have been made in trust for the inhabitants, and are now ready to be disposed of in lots to any person or persons entitled thereto.

All persons claiming to be the owner or possessor of any portion of said entry will take due notice and make the application as provided in the statutes of Utah.

SILAS S. SMITH,
Probate Judge for Iron Co.

Are universally used and prescribed by more leading Physicians than any other tonic or stimulant now in use. They are A SURE PREVENTIVE for Fever and Ague, Intermittents, Bilioness, and all disorders arising from miasmatic causes. They are highly recommended as an anti dyspeptic, and in cases of indigestion are invaluable as an Appetizer and Recuperant, and in cases of General Debility they have never in a single instance failed in producing the most happy results. They are particularly BENEFICIAL TO FEMALES, strengthening the body, invigorating the mind and giving tone and elasticity to the whole system. The HOME BITTERS are compounded with the greatest care, and no Tonic Stimulant has ever been offered to the public SO PLEASANT TO THE TASTE, and at the same time combining so many remedial agents, indorsed by the medical fraternity as the best known to the Pharmacopœia. It costs little to give them a fair trial, and

Every Family should have a Bottle.

We ask every one to read the following Certificates from many of the most eminent physicians in the country:

ST LOUIS, July, 1870.—JAMES A JACKSON & CO.; Gentlemen—As you have communicated to the medical profession the recipe of the "Home Bitters," it cannot therefore be considered as a secret or patent medicine, no patent having been taken for it. We have examined the formula for making the "Home Bitters," and unhesitatingly say the combination is one of rare excellence all the articles used in its composition are the best of the class to which they belong, being highly Tonic, Stimulant Stomachic, Carminative and slightly Laxative. The mode of preparing them is strictly in accordance with the rules of pharmacy. Having used them, seen its effect in our private practice, we take pleasure in recommending them to all persons desirous of taking Bitters, as being the best Tonic and Stimulant now offered to the public

I. CH BOISLINIERE, M D	F. G. PORTER M. D.
ALFRED MEACOCK, M D	C GERICK M D
DRAKE McDOWELL, M D	C A. WARD, M D
J C WHITEHILL, M. D	F. A CLARK, M D
Dr. C V. E. LUDWIG.	S G. MOSES, M. D.
W A WILCOX, M. D	HUBERT PRIMM.

U. S. MARINE HOSPITAL, ST LOUIS, Mo., Oct. 8, 1870.—JAS. A JACKSON & Co.; I have examined the formula for making the "Home Stomach Bitters," and used them in the Hospital for the last four months; I consider them the most valuable tonic and stimulant now in use.

L. MELCHER,

ST LOUIS, July 6, 1870.—JAS A. JACKSON & Co.; Having examined the formula from which your celebrated "Stomach Bitters" are prepared, and having witnessed the method of combining the different ingredients, we can safely recommend them as the best tonic with which we are acquainted. From the great care with which they are compounded, and from the choice materials which enter into them, we have no doubt that they will prove, as they deserve to be, the most popular tonic and stimulant in use. Respectfully yours,

T. J. VASTINE, M. D. T. G CONSTOCK, M. D.

We cheerfully concur with every word contained in the above testimonial

JOHN CONZELMAN, M D.	JOHN HARTMAN, M. D
CHAS VASTINE, M. D.	JOHN T. TEMPLE, M D.
G B. WALKER, M. D	E G. FRANLIN, M D.

CINCINNATI, Oct. 10th, 1870.—Messrs. W. B. KIRTLAND & Co., Agents "Home Bitters"; Gents—Agreeable to your request, I have examined the formula of the "Home Stomach Bitters" and find the remedies it contains such as are in general use by the Medical profession. They are very scientifically and judiciously combined, and as stimulating tonics will be found especially adapted as correctorants to the treatment of low or debilitated stages of the system, whether arising from impaired digestion, or from malarious diseases.

Dr. J. L. VATTIMORE.	L. A. JAMES, M. D
H. H. WAITE, Chemist.	C. T. [illegible], M D
W. T. TALIAFERRO, M D	R. T. PORTER M. D.
J. J QUINN, M. D.	C. B. MUSCROFT M. D.
J. H BUCHLE, M D	O. W. BIGLER, M. D.
W. R. WOODWARD, M D.	G A DOUGHTY, M. D.

CHICAGO, Sept. 26, 1870.—J. L. SMITH, Esq; We have examined the formula of the "Celebrated Stomach Bitters," and find it to be composed of articles that are considered the best tonics used by the Medical profession, and one of the best Bitters we know of now in use. Very respectfully,

H B HAMM, M D.	B McVICAR, M. D.
J. B. WALKER, M. D.	G A. MARINER,

NORMAN S. BARNES, M. D.

For Sale by all Druggists and Grocers,

Jas. A. Jackson & Co., Proprietors,
Laboratory 105 & 107 N. 24 Street,
ST. LOUIS, MO.

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 4. **Salt Lake City, Wednesday, February 28, 1872.** **Vol. XXI.**

ESTABLISHED 1850.

THE DESERET NEWS, WEEKLY

One copy one year $5 00
" six months..... .... 2 50
" three months. 1 25

THE DESERET NEWS: SEMI-WEEKLY

One copy one year. $3 00
" six months 3 00
" three months 1 50

THE DESERET EVENING NEWS

One copy one year $10 00
" six months.. ..... 5 00
" three months..... ... 2 50

GEORGE Q. CANNON,

EDITOR AND PUBLISHER.

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY.

ERRATUM.—In the list of Delegates to the Convention, from Beaver County, in yesterday's NEWS, we inadevrtently inserted the name of Samuel Tyler. It should have been Daniel Tyler.

FETCHING THEM OUT.—The beautiful mild weather is revivifying and revitalizing our farmers and gardeners, and they are thinking about manuring and digging and plowing and divers other horticultural, floricultural, and agricultural mysteries, and putting some of them into operation too.

AS USUAL.—The following liquor selling firms were before Alderman and ex-officio Justice of the Peace, Clinton, yesterday afternoon, for refusing to pay license: Lawrence and Mann, of the Salt Lake House; Englebrecht and Rhemke, Stepper and Hannak, and Henry Waggner. They were each fined in the sum of $100., and, of course, gave notice of appeal to the District Court.

A JURY CONUNDRUM.—How to get a jury is one of the conundrums of the day, none the less difficult because it is so frequently solved; in fact it grows harder at every new case. People every day read the newspapers, and consequently become disqualified from serving as jurors. The reading of newspapers lessens the number of fools, and as, according to existing law, only that class are eligible, long is the delay in completing the panel. The recent bill introduced into the New York Legislature, providing that previous formation or expression of opinion shall not disqualify a person from jury service, provided he swear that he will render an impartial verdict according to the evidence, is every way commendable.—*Philadelphia Press.*

There is no difficulty at all in getting a jury in Utah, as things go. The judicial policy here is to pick up known or supposed enemies of the accused, and exclude all others. With such a policy it is as easy as sin to "get a jury," and, more than that, conviction is a dead sure thing too, when the case is fairly agoing.

FROM WEDNESDAY'S DAILY.

ADMITTED TO THE BAR.—Mr. S. J. Jonasson, of the firm of Clayton & Jonasson, was yesterday admitted a member of the bar of Salt Lake.

CHICAGO RELIEF.—The first special report of the Chicago Relief and Aid Society is a pamphlet of sixty-four pages, stating sums received and disbursed from Oct. 14 to Nov. 18, and giving other relevant information. The ledger statements to Nov. 18 inclusive showed the total of the donation fund to be $2,485,884,45, of which $189,864,93 was cash in hand, and $1,800,559,26 was deposits in banks. The credits to Nevada and the Territories for the time mentioned are

Colorado . .	$12,653 53
Nevada . . .	1,505 83
New Mexico . . .	1,495 50
Washington . .	600 00

The statement for Utah within the same period is as follows—

Salt Lake City.

Oct. 18, Citizens, by D. H. Wells, Mayor, $12,000,00.
Nov. 4 " add'l " " $2,776 46.

Ogden City.

Nov. 14 Citizens, by L. J. Herrick, Mayor, $604 65.

THE TRAINS.—The following dispatches, received last night, indicate the condition of the U. P. road:

Ogden, 20, 6:30 p.m.—The trains bound west have left Rawlings, and no obstruction is reported west of there. They are expected to be at Bitter Creek about 7 p. m, and here about 8 or 9 to-morrow morning. There is a large number of first-class California passengers on board. The trains which left here on Sunday, Monday and to day will get through without much detention. The weather is fair along the entire line.

Rawlins, 20, 7 p.m.—Three passenger trains and one freight arrived this p.m., and left for the west about six p.m. Two more passengers and several trains will be here from the east to-night. The road is reported clear east and west, but some trouble is expected from the track washing out west. The weather is warm and the snow is fast disappearing.

Ogden, 20, 7 p m.—Three passenger trains are expected at Ogden about 8 a.m.

COURT EXPENSES.—There has been considerable said of late, in distant papers, both east and west, concerning the non-payment of court expenses in Utah, and the difficulty or rather impossibility of obtaining the means to run the Federal courts. The censure for this state of things is very generally dealt out to the legislature of the Territory and to the "Mormons." The reason why the censure is heaped upon those bodies, is that persons, who know better, have a selfish interest in misrepresenting the situation in Utah. In consequence of these and other representations, our exchanges usually speak of the situation as the "Mormon Problem," the "Utah Muddle," the "Mormon Imbroglio," whereas, so far as the "Mormons" are concerned, there is neither problem, muddle, nor imbroglio in the matter, as represented.

The situation here is easy enough to be understood. For all the difficulty, real or pretended, that there is in carrying on the courts in Utah, the Federal judiciary, by its mal-administration, is wholly, solely and entirely responsible and censurable. For all the difficulty, real or pretended, that exists in carrying on the courts in this Third Judicial District, Judge McKean, by his extra-judicial course, is wholly, solely, and entirely responsible and censurable.

As stated in many of our exchanges, it is entirely false that the Legislature fails to make provision for the expenses of the courts. The Legislature has provided sufficient means for that purpose, and has appointed a competent officer to disburse that means, according to law. The difficulty is that Judge McKean disregards the law, ignores the law, tramples it underfoot, and wants to obtain from the Territory the means to run his court contrary to law, which is a very inconsistent, if not impeachable, thing in a judge.

Judge McKean, contrary to former custom, contrary to law, contrary to reason and justice, contrary to the very A B C of republicanism, rules out all Territorial officers in the District Courts, though sitting on Territorial business. He rules that the courts are wholly and solely United States courts, run wholly and solely by United States officers, and that all that the people of the Territory have to do with them is to furnish halls for courts to sit in, go up and be tried therein, and furnish the means to run them, asking no questions upon pain of being ruled out as enemies of the government.

Such extraordinary courts never having been contemplated by the Territorial Legislature, of course no means was provided by the Legislature to run them. Such extraordinary courts never having been contemplated by Congress, of course no means was provided by Congress to run them, notwithstanding that if they were, as Judge McKean rules, wholly and solely United States courts, to be run wholly and solely by United States officers, they therefore logically and justly should be paid for wholly and solely by the United States. Indeed it would have been a matter of impertinence on the part of the Territorial authorities, if they presumed to offer to pay the expenses of Judge McKean's court, after he had declared it to be, soul, body and unmentionables, a United States concern, in contradistinction to its having anything of a Territorial nature in its composition. And the people of Utah are so anxious to be on good terms and in harmonious relations with the Federal government, that they could not presume to think for a moment of endangering those relations by offering to pay the expenses of United States courts, contrary to the law made and provided.

The great mistake which Judge McKean made, was in thinking and in announcing that he came to Utah to fight "Mormonism," instead of to execute the law and justice. That is the thing which has run him off the track, and it will run any judge off the track who adopts such a policy. It will carry him right into the middle of the imbroglio, and land him in the middle of the muddle, where he can sit and endeavor at his leisure to solve the vexed problem which he has thus foolishly created.

For the $20,000, more or less, liabilities which McKean's court is represented to have incurred, Congress is not legally nor morally responsible, infinitely less is this Territory legally or morally responsible for it. For all these expenses, Judge McKean himself is wholly, solely, and entirely responsible. Out of his pocket should they be paid.

These illegally incurred expenses, and the expenses to which he has illegally put many of our citizens, will heap up against him a bill, which, when presented to him for payment before the bar of justice, will swamp him and his for ages.

[SPECIAL TO THE DESERET NEWS

By Telegraph.

HOUSE.

On motion of Sargent, the Attorney General was requested to furnish information concerning the civil and criminal cases now pending in the U.S. Courts in Utah, and as to jurors and expenses therefor.

GENERAL.

SIOUX CITY, 21.—Rumors have been circulated here for some time with regard to the discovery of gold in the Black Hills, on White Earth river, near Spotted Tail's reservation. A gentleman of undoubted veracity, a resident of Dakota, has just arrived here, from up the river, and says that large quantities of gold have actually been discovered in the bed of Ice Creek, a small stream flowing into White Earth river, about 200 miles above Fort Randall. He brings several specimens, all of which are universally rich, and it is believed the mines will rival any yet worked in this country. Several prominent frontiersmen have organized a company, and with opening spring will carefully prospect the region. White Earth river is in the vicinity of the Big Horn, where the expedition organized at Cheyenne last season expected to find precious metals.

COUNCIL BLUFFS, 21.—The last span of the railroad bridge across the Missouri at this point was completed yesterday p. m. The permanent trackway on the bridge will be finished to-day. It is the intention of the U. P road to commence crossing with freight and passenger cars to-morrow.

FOREIGN.

LONDON, 19.—The boiler of a factory in St. Helens, Lancashire, exploded this morning, wounding and killing many persons.

PARIS, 19.—Three generals of the late emperor are leaders of a conspiracy to disperse the assembly by force and take possession of the government. In consequence of this the Belgian frontier is carefully guarded, and no one is permitted to cross into France without a passport.

There was a slight demonstration at the house of the Duke d'Aumale on Sunday, and some arrests were made. It is said the affair was incited by Bonapartists.

LONDON, 20.—The companies operating the existing cables between Europe and America have agreed, it is said, on a basis whereby the French company will lay another.

Gladstone comes out in a letter, which is published in all leading English journals, in which he explains his position relative to the *Alabama* claims question. He denies having used expressions offensive to the United States government.

It is thought that England may repudiate the Washington treaty, but it is not believed that the question at issue will result in war between the United States and Great Britain.

The London *Telegraph* says the Washington treaty, as interpreted by Americans, is an unconditional surrender—one that is only extorted by victory at the point of the sword, and Englishmen in every section of England are opposed to acceding to it in the American sense."

ROME, 20.—It is reported that on Sunday last the Pope signed a decree convocating the Ecumenical Council. The place of meeting will be in Malta or the Tyrol as shall be hereafter decided, and when the council meets the Pope will leave Rome.

ADMINISTRATOR'S NOTICE.

HAVING been appointed by the Probate Court of Salt Lake County, Administrator of the estate of Bradford Leonard, deceased, notice is hereby given to all persons indebted to said estate to come forward and settle immediately, and those having claims against the same to present them for adjustment without delay.

R. J. GOLDING,
Administrator.
Office, Room No. 1 Court House.
Salt Lake City, Feb. 19, 1872 w3 2w

UNITED STATES LAND OFFICE,
SALT LAKE CITY, Feb 10 1872.

To Thomas S. Swainfield, Take Notice

Complaint having been made at this Office by Fergus Lester that you have abandoned homested entry No 124 for N ½ of S W ¼ and Lot 3 of Sec. 12 Township 2 S 1 W, you are hereby summoned to appear at this Office before the Register and Receiver thereof, upon the 12th day of March, A. D. 1872, at 0 o'clock a, m., and show cause why your said entry shou d not be cancelled.

GEO R MAXWELL,
w24t Register.

FOR SALE, A RANCHE, $200.

SITUATE six miles north of Oxford, Cache Co. Plenty of good range, good farm and hay land on the premises. A good spring for house purposes and irrigating, with dams for fish-farm, water ditches, etc. A house and corral. For particulars apply to

A. P. WELCHMAN,
w32 Oxford, Cache Co.

EXECUTOR'S NOTICE.

THOSE persons who are owing the estate of William Lloyd, deceased, are hereby requested to settle their indebtedness forthwith, and all persons having claims against the estate will present the same for adjustment and settlement to the Executor.

W. H. CRAWFORD, Administrator.
Washington, Utah, Jan. 1, 1872. w5 1m

FOR SALE!

ITALIAN BEES! guaranteed in good condition, at $20.

Also, OHIO IMPROVED CHESTER WHITE, ENGLISH BERKSHIRE and McGEE PIGS, at less than States prices. Send orders for bees as soon as possible to R. L. Campbell, Salt Lake City, or to the undersigned, as I contemplate going East in February. For particulars apply to WM. D. ROBERTS, Provo City, Utah Co.
s31 w4l tf

ESTRAY!

THE undersigned has found on the range, a Black Pony Mare, four years old, with a pair of blankets strapped on and blind bridle and small cotton cord on her neck, a white strip on the forehead and shod all round, brand on the left shoulder, not legible. The owner will please prove property, pay charges, and take her away.

LEVI R. HAMMON,
w2 3 Hooperville, Davis Co.

NOTICE!

TO WHOM IT MAY CONCERN. That cash entry No. 2526 for the Townsite of Harrisburg, Washington County, Utah Territory, made February 10, 1872, embracing the S W ¼ of the N E ¼ and S E ¼ of the N W ¼ and the N E ¼ of the S W ¼ of Sec. 23, Township 41 South of Range 14 West, containing 120 acres, has been made in trust for the inhabitants thereof and is now ready to be disposed of in lots to any person or persons entitled thereto. All persons claiming to be owners or possessors of any portion of said entry will take due notice and make the application as provided in the statutes of Utah.

Salt Lake City, Feb. 10, 1872.
w7 3m WM. SNOW, Probate Judge.

SEALED PROPOSALS.

WILL be received by the County Court of Utah County, U. T., until 4 o'clock p. m., of Saturday, March 2nd, 1872, for furnishing the bricks, sand, lime, finishing lumber, lath, nails, hardware, &c., required in the erection of the County Court House at Provo City; also for the mason and carpenter work, plastering, painting and other labor required in said erection.

The building to be 50 feet square, two stories high. Hip roof, with observatory in centre. Portico over the front entrance with Ionic pillars and finish. To be built and finished on the foundation now completed, and as per plans and specifications at the County Clerk's Office, Provo City.

Bids to be directed to the County Clerk at Provo, and be endorsed, "Proposals for Court House," and be accompanied with the names of good and sufficient sureties.

Bids will be considered for the whole or in part. The Court reserving the right to reject any and all bids.

The whole building to be completed as shall be prescribed by the County Court at its March term 1872.

Payments to be made, one third in cash, one third in grain at such rates as the county receives it, and one third shares in Provo Woollen Factory. Provided, that the County reserves the right to pay cash in lieu of grain for the one third payment.

By order of the County Court.
L. JOHN NUTTALL, County Clerk.
Provo City, February 8, 1872. d67 3 w2 1

TERRITORIAL CONVENTION.

FIRST DAY.

MONDAY, 2 P. M.

PRESIDENT BARNUM, on being conducted to the chair, addressed the convention as follows:

Gentlemen of this convention, For the confidence and the honor which you, by your vote, have so unexpectedly expressed in me, I return you my sincere thanks. I could certainly have wished that this choice had fallen on some other member of the convention, some one more intimately acquainted with a large majority of the members of the convention. In conducting the business of the convention, whatever shall be the term of its session, and whatever may be the work performed and the result of our labors, it will be my endeavor, while occupying this chair, to discharge the duties devolving upon me faithfully, honestly and impartially to every member of the convention, and very much will depend upon yourselves as to the dispatch, order and efficiency with which the work of this convention shall be consummated.

Again I return you my sincere thanks, and hope that if, as a result of the labors of this convention, a Constitution shall be framed and submitted to the people, that in every part and portion of it, in the principles involved in it as well as in the language in which it shall be expressed, it shall be such a one as will challenge the approval, not only of the Congress of the United States, if presented to them, but of every portion of the people of these United States. (Applause.)

The following officers were elected for the permanent organization—

Secretary—R. L. Campbell.
Assistant Secretary—L. John Nuttall.
Second Assistant Secretary—John Henry Smith.
Doorkeepers—John D. T. McAllister and Milando Pratt.
Messengers—Robert S. Campbell and *Brigham Carrington*
Reporters—David W. Evans and John Q. Cannon.
Printer—Angus M. Cannon.
Fireman—Rodney Badger.

Mr. Fitch offered a resolution that a committee be appointed by the president to wait upon a clergyman of each religious denomination in the city, and request them to attend the convention each day, in turn, and offer prayer at the opening of the proceedings. The resolution was adopted, and Mr. Fitch, of Salt Lake county, Mr. Jesse N. Smith, of Iron county, and Mr. Thurber, of Utah county, were appointed the committee.

Several resolutions were adopted with regard to the order of business, and rules governing the convention.

Mr. Fitch offered the following, which was adopted:

Resolved—That the sergeant-at-arms be instructed to procure a United States flag, and unfurl the same on the flagstaff in front of this hall, during the sittings of the convention.

Mr. Miner, of Salt Lake county, offered a resolution, to be laid on the table to come up in its order, that the constitution of Illinois, adopted in 1870, be taken as a basis by this convention in framing a constitution.

Mr. Fitch, of Salt Lake county, offered a resolution, that the constitution of Nevada be the basis for the constitution to be framed, to be taken up each day in committee of the whole, section by section, for consideration. He spoke in support of the resolution, and considered the constitution of Nevada more applicable to Utah than that of Illinois.

Mr. Farr, of Weber county, moved that the constitution of Deseret, framed in 1862, be taken as a basis. He said that constitution had been acknowledged by the congressional committee to whom it had been submitted, as one of the *best* ever framed.

Mr. Snow, of Salt Lake county, would rather see a constitution framed that would embody the best of all the existing State constitutions, than to take any single constitution as a basis.

Mr. Miner presented his resolution because the constitution of Illinois was one of the last framed, and one of the best he had read.

Judge Haydon sustained Mr. Fitch's resolution.

Mr. J. W. Young, of Washington county, offered a resolution that a hundred and twenty-five copies of the constitution of Deseret, of 1862, be printed for the use of the members of the convention. Tabled to come up in order.

Mr. Farr's resolution was read and he spoke in favor of it.

Col. Buel of Salt Lake county, thought the constitution just referred to was not the one which should be taken up by this convention. He believed it would be unwise to do so. Take Utah as she is, not as she was ten years ago, and frame such a constitution as is needed to-day. He agreed with Mr. Snow that no constitution should be taken as a basis.

Mr. J. W. Young thought there was no need for much argument on the matter. He understood that the proposition was simply to take some constitution as a basis, and save the labor of a committee drafting one.

Mr. Milner, of Utah county, offered as an amendment, that no constitution be taken as the basis.

Colonel Akers, of Salt Lake county, objected to any further amendments until the original resolution was acted upon.

Mr. Fitch had not seen the constitution of Deseret, but had no doubt it was a good one; yet it had the odor of defeat about it.

Mr. Johnson, of Salt Lake county, thought all these conflicting resolutions ought to be referred to a committee, to expedite business.

Mr. Jennings, of Salt Sake county, moved, as a substitute, that a committee of seven be appointed to examine the different constitutions and report which one should be taken as a basis.

Colonel Buel inquired if the gentleman could inform the convention at what probable period of time that committee would be able to get through all the constitutions and report to the convention.

Major S. M. Blair, of Iron county, opposed Mr. Jennings' amendment.

The amendment was lost.

Mr. Farr's amendment was put and lost.

Mr. Fitch's resolution was then put and carried.

Mr. J. W. Young's *motion for the* printing of 125 copies of the constitution of Deseret, was amended, the word "Nevada" being substituted for "Deseret," and was adopted as amended.

Mr. Fitch offered a resolution for the appointment of thirteen standing committees, adopted.

A communication from the county clerk of Salt Lake county was received, announcing that Gen. P. Edward Connor had *declined the election* as delegate to the convention, on the ground that he had been and is a resident of the State of California, and conequently is not eligible to serve; and tendering his thanks for the confidence reposed in him, as evinced by his election.

Judge Hayden,

One of the delegates from Salt Lake County, said,

"I move that this convention adjourn *sine die*. I do not make this motion with any intention of throwing a fire brand or disturbing, but for the purpose of placing myself right with those who sympathize with me. I will take this occasion to say I was elected a delegate to this convention without my approbation or consent, and many knowing that I was opposed to the organization of a State government. I will also state that I here return my sincere thanks to those ladies and gentlemen who honored me with their suffrages for the position which I now occupy. I am opposed to a State government and in favor of adjournment for these reasons:

1st—*The people of the Territory of Utah* have not, through the usual American means of manifesting their wishes—*viz*, by public meetings and resolutions, petitions, &c., declared in favor of a State government.

2d—The population of Utah does not come up to the standard by the late law of the United States, and asking her admission in direct opposition to a solemn expression of Congress, would be a direct insult to the law-making power, and injurious to favorable federal legislation in the future.

3d—The sad experience of other States created without sufficient population, has taught us that it is wiser to remain a carefully cared-for ward of the government, than impose upon ourselves an onerous burden of taxation, which would cripple our energies and retard the development *of the leading resources of the country.*

4th—This convention is called without the authority of any law, either Territorial or Federal, and its action has no other merit than that which pertains to any meeting of citizens called together to discuss public measures.

He said he had thus briefly given his reasons why he was opposed to a State government and in favor of an adjournment *sine die*, and would not attempt further to discuss the question.

To the motion and remarks of Mr. Haydon, the following reply was made by

Col. Akers.

I can say with my colleague from Salt Lake county that I was unexpectedly elected to this convention, but I believe I can not go any further in expressing sympathy with the resolution which he has just offered. I have never had an opportunity before of giving public expression to my views on the formation of a State government for this Territory. It is true, I have talked in a private way to various gentlemen at different times, and have always taken occasion to express my most hearty concurrence in the object for which we are assembled here to-day, as a Convention. I do not propose to make a lengthy speech, and I make this statement now that I may not be misunderstood; but I do think a resolution of this character, offered with written reasons, ought to be met with some counter statements of reasons on the other side of the question. I think, if any people have ever needed a State government, since the first formation of the Federal Union, the people of the Territory of Utah need one now. (Applause). In the first place it would give us a fixed and stable government. A Territorial establishment is, in its nature, a temporary and transient affair; and there are many defects in the Territorial *system of this country*, which perhaps might be cured, but which bear very heavily on a people when they have attained a population sufficient to form a government for themselves. One of the great objects which I have had before my mind in favoring the formation of a State government for Utah is that it would give us, at least, a harmonized Judiciary. And here allow me to say that I do not undertake to hold the balance between the Federal and Territorial authorities, nor do I undertake to say which are right and which are wrong. I only mention the great fact, which we all know, that the time is occupied in wrangling between these opposing factions, and that the law is absolutely falling into contempt, simply because of the disagreements between these two great branches which are appointed to administer the laws of the country. I say the formation of a State government would give us harmony in the Judiciary; and law is such in its very nature, that it must either stand altogether or it will perish. You will all recall at once the nature of the Code of Draco, which was so cruel that it undertook to punish one hundred and *fifty* different crimes with the death penalty; and the administrators of the law, seeing that the penalty was often incommensurate with the crime fell into the habit of permitting the law to bend to this unforeseen exigency, and finally, *persons inclined to the commission* of crime came to calculate upon the law bending to their case, and then to go beyond that in their calculations, and finally the law itself was trampled under foot, simply because it misgave in its execution. Where we have in the Judiciary itself proceedings which bring the law into contempt, I say that it is one of the severest blows that has ever been given to the administration of law in this country, and that we need a State government in order that we may have an efficient administration of the laws.

But we need a State government for another reason. I do not sympathize with this idea that we should remain the ward of the Federal government, and be fed at the Federal crib, and sit at the Federal board and partake of its bounty. I believe, Mr. President and gentlemen of the Convention, that the formation of a State government would put new life and energy into every channel of industry in this Territory. We do not feel that we are half men until invested with the right of self-government, and a Territory does not have that right under the American system, especially this Territory, as the laws are administered, does not possess that right. (Applause.) Let us have a State government, let every man be made to feel that this is his government, that he has an interest in it, and you will see altogether a different kind of life and energy manifested by the people in every department of industry. Why has this great nation prospered as it has during the last three-quarters of a century, and I do not intend to be lengthy on that point? I am willing to concede that the richness of our soil and that our vast resources have done very much to make this nation what it is. But still they do not account for the great growth of the country. Old as the expression is, hackneyed as it has become, it is still true that there is no example in the history of the world of the growth of a people that bears any proportion to, or that can be brought into comparison with, the growth and development of the great Republic of the United States, and why is it so? I say the richness of our soil, which is perhaps unexampled, and the wealth of our mineral resources, to which I will not undertake to set bounds, have done much to produce this growth; but after all *they do not account fully for it.* It lies in the fact that in this country every man is a free man. Make a State government and let every citizen of this Territory feel that he has an interest in it—that he is a free man, and we shall witness a growth and development of the energies of Utah Territory such as has been witnessed in the growth of this great nation. Certainly we have a sufficient population, and during the last decade not a new State has come into this Union with as large a population as Utah Territory has to-day. And the law of Congress to which my colleague referred does not bear on the question that we are considering, and will not bear on it until March 1873. If I am not mistaken he refers to the New Apportionment bill, which does not go into force until the year 1873, so that there is no obstacle in the way of forming a State government for Utah; and if I were not that I should occupy too much of the time of the Convention, I should like, just here, to make an observation in reference to what is the foundation of all other objections that are offered to the formation of a State government here at this time. (Cries of "go on.") *It is, Mr. President,* that by the formation of a State we are told the reins of government would at once pass in the hands of the Mormon people, that we would have, in short, a Mormon State, and that there is no *way of* meeting that difficulty other than by keeping the Territory in a Territorial condition.

Now I believe that there is a solution of that whole question that will be entirely satisfactory on all hands, if we would only address ourselves earnestly and honestly to the work of forming a Constitution, to which we might all yield a hearty and unanimous concurrence. You all remember that the State of Missouri came into this Union on what was then called a fundamental condition, a compromise offered by Mr Clay. It was not admitted into the Union on the compromise of 36° 30′ as it is usually called, the compromise measure of 1820, but it was admitted into the Union in the year 1821 on a proposition presented in the Congress of the United States by Mr. Clay, called a fundamental condition, which stipulated that the State of Missouri should not be considered as invested with the rights and dignities of Statehood until her first Legislature, by their solemn public act, had declared that no part of her Constitution should be so construed as to abridge the rights of any citizen of the United States. Whereupon, when the President of the United States made a proclamation to that effect, the State of Missouri was to be considered a State of the Union, and not until October 1821 was she fully admitted in the Union.

Now, why can not the same be done in reference to Utah? If there are institutions here on which Congress may propose to impose a limit, why may they not admit the State on some such fundamental condition, and await the action of the first Legislature of the State of Utah? For my part I am not afraid to trust the Congress of the United States to pass upon such an instrument as we may submit to them as the fundamental law for the State. I must therefore oppose the resolution of my colleague from Salt Lake.

Col. Buel,

Another of the delegates from Salt Lake County, made the following remarks on the same subject:

Unlike my colleague from Salt Lake County, I was not unexpectedly elected to this convention, for the moment I saw my name on the ticket I knew I would be elected sure. (Laughter.) However, my name was placed there without my knowledge or consent. But Mr. President I am in favor of the adoption of a State government for Utah, for the reason, sir, that I believe it will give us peace at home and character abroad. (Applause.)

Mr. Fitch stated that before the motion to adjourn *sine die* was put to the Convention he desired to give his views at some length, in reference to the formation of a State government for Utah,

and as the afternoon was far advanced he moved that the Convention adjourn until 10 o'clock on Tuesday morning.

Convention adjourned.

SECOND DAY.

TUESDAY, 10 A. M.

THE Convention resumed its sitting in the City Hall at 10 o'clock this morning, and after the transaction of some preliminary business, the following Standing Committees were appointed:

Ordinance, Bill of Rights,&c.—George Q. Cannon, Joseph W. Young, John T. Caine, Abraham O. Smoot, Thomas Fitch, Fraklin D. Richards, William Jennings, John Rowberry, John Sharp.

Legislative Department —Lorenzo Snow, Albert Carrington, William B. Pace, Aurelius Miner, Charles W. Penrose, Moses Thatcher, Hadley D. Johnson, George Peacock, Lorin Farr.

Executive Department. — Franklin D. Richards, Moses Thatcher, Frank Fuller, Albert K. Thurber, George G. Snyder, William Jennings, L. J. Herrick, Enos D. Hoge, William Hyde.

Judiciary.—Z. Snow, Jonathan C. Wright, John B. Milner, William Haydon, Seth M. Blair, William H. Maughan, George Q. Cannon, Jesse N. Smith, Enos D. Hoge.

Muncipal and other Corporations.—Albert P. Rockwood, Leonard E. Harrington, M. W. Dalton, John Brown, Rees R. Llewelyn, Reuben Miller, John Hague, Lyman W. Porter, Henry Eudey.

Finance and State Dept.—Abraham O Smoot, David Candland, Appleton M. Harmond, Orrawell Simons, Anson Call, George Burridge, M. D Hammond, M. W. Merrill, Z. Snow.

Education.—Orson Pratt, Senr., Charles W. Penrose, Wm. B. Preston, Albert P. Rockwood, Thomas Callister, H. W. Sanderson, John Rowberry, John Telford, Jonathan C. Wright.

Militia. — Chas. C. Rich, William B. Pace, Warren S. Snow, Chester Loveland, John Franks, C. A. Madsen, Thos. F. Rouche, Culbert King, Peter Rasmussen.

Taxation.—Albert K. Thurber, Thomas S. Smith, John Nebeker, George Kendall, David Evans, Platt D. Lyman, Solon Foster, Saml. F. Atwood, Wm. F. Littlewood.

Inpeachment & Removal from Office.—Thos. P. Akers, Jesse Haven, H. A. Holcomb, G. L. Erb, Geo. H. Bryan, Wm. Price, Lorin Farr, Albert Carrington. Aurelius Miner.

Public Instructions.—Joseph W. Young, D. E. Buel, William Snow, Abram Hatch, William W. Cluff, John R. Murdock, Lot Smith, Daniel Thompson, O. N. Liljenquist.

Boundary, Miscellaneous Provisions and Enactments.—Jesse N. Smith, Daniel Tyler, Gilbert Belknap, Lorenzo H. Hatch, John R. Barnes, Edward Dalton, Israel Ivins, Nathan T. Porter, Nymphus C. Murdock.

Schedule and Election Ordinance.—Thos. Fitch, William Morrison, Silas S. Smith, Wm. Bringhurst, Richard Warburton, F. A. Hammond, H. S. Alexander, Abner Lowry, John T. Caine.

The unfinished business of yesterday then came up, being the resumption of the discussion on the motion of Delegate Hayden, for an adjournment *sine die*.

In opposition to the motion, and urging the necessity for a State government for Utah, Hon. Thos. Fitch delivered the following speech:

If there be those, within or without this chamber, who imagine that the members of this convention will be content to go through the form of constructing an edifice of State government, without hope that such edifice will ever be occupied by a living tenant, they mistake the spirit of an earnest people, and the purpose of their representatives.

The object of this convention will not be accomplished until room shall be found upon our national banner for the Star of Deseret, and the question which confronts us at the threshold of our labors is, Will the necessities for a State Government justify some effort and much sacrifice on the part of the people of Utah?

An influential Mormon citizen said to me not long since, upon his return from a trip East, "I am satisfied that there is no safety for us without a State Government, and that we can have no State Government without concessions." He stated the case with mathematical precision. There is no safety for the people of Utah without a State Government, for under the present condition of public affairs, their property, their liberties, their very lives are in constant and increasing jeopardy.

Let us review the situation. In August, 1870, James B. McKean arrived here as Chief Justice of the Supreme Court of Utah Territory, and District Judge of the Third Judicial District. From the hour of his arrival he has been the leading, controlling spirit of the existing movement against Mormon institutions. He is not, perhaps, an immoral man in his private life, and for the purposes of this argument, it is not necessary to inquire whether or no he is a corrupt man, either in private or official transactions, but he certainly is that most dangerous of all public functionaries—a judge with a mission to execute, a judge with a policy to carry out, a judge panoplied with a purpose as in complete steel. Whether or not consciously, but with implacable and unswerving determination, he has steadily subordinated his judicial duties and his judicial character to the fulfilment of his mission and the execution of his policy. Motions are held under advisement for months, civil business accumulates upon the calender, great mining cases are referred or abandoned by disgusted litigants, and still the Judge alternates between the business of an examining magistrate and the pleasure of thanking the Grand Jury for finding indictments. While possessing sufficient knowledge to comply with some of the forms of law, and sufficient personal courage to forward his plans, he is yet destitute of the spirit of impartial jurisprudence. We all know there is a class of minds which, after many years of upright and dispassionate conduct, will, through lust of power or gain, or fame, or other inordinate aim, suddenly develop some insurgent quality which stops nothing short of morbidness, little short of insanity. It is the prestige of his past that this man, notwithstanding his remarkable actions here, continues to receive the support of the Federal administration, while, with some sincerity in the righteousness of his crusade, he wins for himself the endorsement of thousands of persons who only know that they desire polygamy shall be destroyed, and who do not ask the price, nor enquire "how many Athenians are in mourning."

Whether or not this theory be correct respecting the cause, and it is the most charitable of any I can conceive, the result is the same. James B. McKean is morally and hopelessly deaf to the most common demands of the opponents of his policy, and in any case where a Mormon, or a Mormon sympathizer, or a conservative Gentile be concerned, there may be found rulings unparalleled in all the jurisprudence of England or America.

Such a man you have among you, a central sun. What of his satellites?

The mineral deposits of Utah have attracted here a large number of active, restless, adventurous men, and with them have come many who are unscrulous, many who are dishonest, many who are reckless; the hereditary foes of industry, order, and law. This class, finding the courts and Federal officers arrayed against the Mormons, have, with pleased alacrity, placed themselves on the side of courts and officers. Elements ordinarily discordant blend together in the same seething cauldron. The officers of justice find allies in those men who, differently surrounded, would be their foes, the bagnios and the hells shout hosannas to the courts, the altars of religion are invested with the paraphernalia and the presence of vice. The drunkard spouses the cause of the apostle of temperance, the companion of harlots preaches the beauties of virtue and continence. All believe that license will be granted by the leaders in order to advance their sacred cause, and the result is an immense support from those friends of immorality and architects of disorder who care nothing for the cause but everything for the license. Judge McKean and Governor Woods, and the Walker Brothers, and others are doubtless pursuing a purpose which they believe in the main to be wise and just, but their following is of a different class. There is a nucleus of reformers and a mass of ruffians, a centre of zealots and a circumference of plunderers. The dram-shop interest hopes to escape the Mormon tax of $300.00 per month by sustaining a judge who will enjoin a collection of the tax, and the prostitutes persuade their patrons to support judges who will interfere by *habeas corpus* with any practical enforcement of municipal ordinances.

Every interest of industry is disastrously affected by this unholy alliance, every right of a citizen is threatened if not assailed by the existence of this combination. Your local magistrates are successfully defied, your local laws are disregarded, your municipal ordinances are trampled into the mire, theft and murder walk through your streets without detection, drunkards hurl their orgies in the shadow of your altars, the glare and tumult of drinking saloons, the glitter of gambling hells, and the painted flaunt of the bawd plying her trade now vex the repose of streets, which beforetime heard no sound to disturb their quiet save the busy hum of industry, the clatter of trade and the musical tinkle of mountain streams.

The processes by which this condition of affairs has been brought about, as well as the excuse for invoking these processes, may be briefly stated.

In 1856 a great political party declared itself opposed to polygamy as a relic of barbarism. In 1860 that party achieved power in the nation. In 1862 an act of Congress was passed the object of which was to suppress polygamy in Utah. This law was permitted to remain a dead letter upon the statute books. The war to suppress the rebellion, the problems of reconstruction growing out of that war, the proposed impeachment of President Johnson, the various exciting public questions of the day, diverted the minds of legislators and constituencies from the Mormon question, and not until after President Grant's inauguration did the anti-polygamy plank of the Republican platform loom up into national consequence. It was then observed that the anti-polygamy act of Congress of 1862 had never been enforced. The Territorial laws for drawing and empanneling juries, provided, as in all other communities, for a selection by lot. Nineteen-twentieths of the persons eligible to jury duty in Utah were Mormons, who naturally declined to indict or convict their neighbors for a practice which was believed by all to be a virtue rather than a crime. The law prescribed one rule, the sentiment of the community where the law existed prescribed another.

Similar conditions prevented the trial of Jefferson Davis for treason at Richmond. Similar conditions made it impossible to convict a violator of the fugitive slave law in New England. The forty-first Congress was asked to enact a law to meet the exigency, and the Cullom bill was framed. This measure provided that the selection of jurors should be given to the United States Marshal, that polygamists and those who believed in polygamy should be excluded from the jury box, that the wife might be a witness against the husband, that marriage might be proved in criminal cases by evidence of general reputation, and that the statute of limitations should not apply to charges of polygamy. The wisdom and justice of this sweeping measure were seriously questioned by the New York *Tribune*, and other republican papers, and by such leading republican statesmen as Henry L. Dawes of Massachusetts, and Robert C. Schenck of Ohio, but the bill passed the House by nearly a party vote, and failed to become a law only because the United States Senate did not find time or inclination to consider it during the 41st Congress.

After the adjournment or about the time of the adjournment of the second session of the 41st Congress, James B. McKean was appointed Chief Justice of Utah, and with military promptness he proceeded by his decisions to establish, as rules of law, the propositions of the defeated Cullom bill. He decided in the case of Hempstead vs. Snow that the Court over which he presided was a United States Court, that it was not a legislative but a constitutional court, and that the Territorial Prosecuting Attorney was not, even when prosecuting offenders charged with violation of Territorial laws, the proper prosecuting officer of his court, but that the United States District Attorney was such. He decided in the case of Patrick vs. McAllister that the Territorial Marshal was not in any case the proper executive officer of his court, but that the United States Marshal was such in all cases. He decided in another case that the Territorial Legislature of Utah had no power under the organic act to prescribe rules for obtaining juries to try any cases in his court, and in prescribing rules himself for that purpose he declined to consult the assessment roll, or invoke the usual method of selection by lot, but he ordered the clerk to issue an open venire to the United States Marshal.

Thus the first proposition of the defeated Cullom bill, that the Marshal might pick, I will not say pack, the jury, was decreed into existence. A temporary delay in starting the engine of persecution was caused by lack of fuel, the controller of the treasury declining to audit the bills for the expenses of this court thus elevated to a United States tribunal, and the Territorial officers declining to pay our Territorial funds to persons not authorized by Territorial law to receive them, but fuel was found somewhere, and the machinery began to move.

In September, 1871, a grand jury was summoned by the United States Marshal to attend the Third District court of Utah. From the counties of Salt Lake, Tooele, Summit, Green River, Davis, Morgan, Weber, Box Elder, Cache and Richland, containing a population of about 60,000 Mormons and 10,000 Gentiles, 23 grand jurors and 17 talesmen were selected and summoned. Of these forty persons seven were Mormons and thirty-three were Gentiles.

Each of the seven Mormons was examined on his *voir dire*, and to the questions of the U. S. District Attorney, each replied in effect that he was a member of the Church of Latter-day Saints, that he believed that polygamy was a revelation to that church, and that in his own case he would obey the revelation rather than the law. When asked the further question as to whether this belief in the revelation would affect the action of the juror in voting for or against an indictment for polygamy, some jurors replied that it would affect their action, others that it would not. The U. S. District Attorney stated to the court that he intended to bring a number of accusations of polygamy before the grand jury, and challenged the seven Mormons for bias. Judge McKean sustained the challenge and dismissed the Latter-day Saints from the box.

Thus the second proposition of the defeated Cullom bill was established by the decree of Judge McKean. The seven Mormons whom the U. S Marshal had made a show of summoning were ruled off, and 60,000 people in the third district deprived of the privilege of representation in the jury box.

It is a fact worthy of notice that this grand jury—from which Mormons were excluded because they believed in polygamy, never found a single indictment for violation of the act of Congress fo 1862, and never, so far known, sent for a single witness upon, or attempted to consider any accusation of,—polygamy indictments for "lewd and lascivious cohabitation," under a rusty old Territorial statute, were found by the score. Indictments for murders committed fifteen or twenty years ago were found by the dozen, upon the unaided and uncorroborated testimony of a witness who confessed himself the principal in these murders. But the threat of "indictment for polygamy," having fulfilled its mission by furnishing an excuse to exclude Mormons from the grand jury, was heard no more.

I pass for the present from this grand jury to further review the process by which Judge McKean vitalized the abortive Cullom bill.

A man named Thomas Hawkins had been indicted under the Territorial statute for the crime of adultery, and in October, 1871, he was tried before Judge McKean and a jury. Two or three Mormons who chanced to creep on the Marshal's venire were asked if they believed in polygamy, to which question they replied yes. They were further asked if they blieved a man could be guilty of adultery, who committed the act constituting that offence, under a claim of plural or polygamous marriage. The reply was, no. Whereupon the District Attorney challenged the jurors for bias, and the judge sustained the challenge and directed the jurors to leave the box, although there was not a line of pleading on record, nor a word of council or client, by which the judge could judicially conjecture, much less know, that the defendant would set up any polygamous marriage as a defence to the charge of adultery.

Hawkins was convicted on the sole evidence of his wife, who, in despite of the protest of counsel, was permitted by Judge McKean to testify in the case, and thus the third proposition of the defeated Cullom bill, that a wife might testify against the husband, was established by decree of the Judge. Hawkins was subsequently sentenced to pay $500 fine and be imprisoned for three years' and he is now in the Territorial prison pending an appeal to the Supreme court of the Territory. From present appearances he is likely to serve out his term, for his bonds pending an appeal have been fixed at twenty thousand dollars, and his whole property would not suffice to pay his $500 fine. Judge McKean refused for three months to sign the bill of exceptions for Hawkins' appeal to the Territorial Supreme Court, on the ground that the bill was too voluminous, that it contained a record of all the proceedings in the case, proceedings reported

Continued on page 46.

TERRITORIAL CONVENTION.

THIRD DAY.

Wednesday Morning.

THIS morning the convention resumed its sitting at 10 o'clock, and after prayer and the transaction of some preliminary business

Judge Hayden.

the mover of the resolution to adjourn *sine die*, delivered the following address in behalf of that motion:

MR. PRESIDENT—

My object in making the motion to adjourn *sine die* on Monday was simply to define my position on a State government for Utah. I was not aware that the discussion of the question would take so wide a range or that it would have invoked so much bitterness of expression. If I had thought so, I most certainly would not have made it, and none regret more than I do that gentlemen should have taken this occasion to speak in such harsh terms of the government and its officers. That very fact will do more against the admission of Utah than a thousand petitions signed by as many people; for the government will at once say, "Why, these people who abuse the government and its officers are not fit people to join the sisterhood of loyal States." I have noticed more than once that generally great wisdom marks your course in worldly matters, but in this instance it was truant.

When I became a citizen of this Territory I had determined to keep aloof as far as possible from the conflicting elements which seemed to disturb the extreme wings of the public mind. I did not come here to make a warfare on a people to whom I was comparatively a stranger, because they differed with me on vital and religious principles, or because some bad men sought refuge within their walls.

I came to practice my profession in a quiet, unobtrusive way, and to act justly and squarely towards all men, whether Mormon or Gentile—"nothing extenuate nor aught set down in malice." I am proud to say that the religion of my fathers has not so blinded my vision by prejudice, but that I can see good by whomsoever presented, even though it comes from modern Zion. It was well known to many that I was opposed to the State movement, and for fear of causing discord I contemplated resigning, and would have done so, but for the urgent solicitations of Gentile and Mormon friends on this floor; therefore this debate is as disasteful to me as it can possibly be to you, but as I am here I will tell you candidly and honestly my views without sacrificing a single thought for policy when principle is at stake.

I will not occupy your time very long, but I feel it my duty, since I was the innocent cause of all this debate, to say a few words in reply to what has been said on the other side.

Among the reasons I gave why I was opposed to a State government, was the necessary increased taxation. I have not heard any attempt to controvert that reason. The fact is it is incontrovertible. An onerous tax will necessarily follow, keeping foreign capital out and retarding the development of the resources of the State. It will be the history of other new States written over.

I have attempted to analyze the labored arguments and carefully prepared speeches of the gentlemen, and the result I have arrived at is this: I am a Gentile, Mr. President, by education and conviction, and by my action here represent in part the Gentile sentiment of Salt Lake county, and if my Mormon friends who elected me thought I might be used for the purpose of giving a Gentile color to this Convention, all I have to say is they have mistaken the man. Why, sir, I venture the assertion that outside of the Gentile delegates on this floor there are not fifty Gentiles in Salt Lake county, and I doubt if a hundred in the Territory, who favor a State government at the present time. The Gentile sentiment of Utah Territory is opposed to a State government, and you know it, Mr. President, as well as I do, and the reason that you were selected to fill the honorable position you do, was, in my opinion, that you might be used as a false light to deceive the uninformed as to the true Gentile *status* of the citizens of Utah.

They want a State Government because McKean differs with them on questions of law.

Because the Supreme Court of the Territory does not render its decisions in accordance with their idea of law, because, as they say, the general government is a "despotism" and "oppressive," so the question is about narrowed down to this—*State Government vs. Jas. B. McKean* Who is this man McKean, that you have, with such bad taste and ungallant tone, abused and vilified?

If I were disposed to violate the proprieties of parliamentary law and invoke a malice I have not, I might draw a comparison between the man McKean's motives and his traducers on this floor. Such a course is foreign to my feelings and repulsive to my reason, for I have arrived at the time of life when the virus of the serpent has no harbor in my breast—and I thank God if I have not the power to lift men up, I glory in the thought that I am too feeble to pull angels down.

I will hastily glance at some of the leading historic points of Judge McKean, the man whom the President of the United States appointed, and the Senate of the United States confirmed as Chief Justice of Utah, and let us see if his history corroborates the testimony of his Utah censors.

When quite a young man he was elected Superintendent of Public Schools in the county of Saratoga, State of New York, in which he was reared.

He was elected County Judge of the same county a few years afterward—the first Republican ever elected—and held the office for four years, and during his term many of his decisions were published in Howard's Practice Reports and adopted at the rules of practice in that great State, noted for its legal minds and great statesmen.

We find him next elected to the Congress of the United States from the Saratoga District, served the term and re-elected to Congress. In the autumn of 1861, while my colleague was thundering his eloquent anathemas against traitors to the flag of our country and nerving the loyal heart to arm in Nevada, we find this much abused man raising a regiment of the Boys in Blue, and at its head as colonel did distinguished service at the part about Manassas, the Peninsula campaign and against Richmond. There, defending the honor of that government which has been maligned to-day, "he contracted a malarial fever which so prostrated him that his life was despaired of." "Consequently, in July, 1863, he resigned his commission and was removed to his home, and it was six years before he was able to resume the practice of his profession."

Judge McKean numbers among his best and warmest friends many of the wisest and bravest of the nation, foremost among whom is his companion in arms, U. S. Grant, President of the United States, and who paid him a high compliment in his last message to Congress on his administration in Utah.

So you see, whatever may be said against his integrity, or however his motives may be impunged, the record of his past life will triumphantly refute it among those who know him.

I have known Judge McKean but a short time and am most happy to say, although I differ with him on some questions of law relating to this Territory, yet I believe him to be a gentleman of honor and integrity, and occupies so high a plane that the missiles of his adversaries fall harmless at his feet. Sir, I don't speak the sentiments of myself alone, but I re-echo the sentiments of thousands in this Territory and hundreds of thousands beyond the mountains.

The peroration of my colleague's speech was mainly confined to appeals to the majority to sacrifice what they call a divine ordinance of their religion for the coveted bauble of a State government. Why, what change has come over the spirit of your dreams, that you, with greedy ears, caught the sweet cadence of the pleader's voice, wooing you from Charybdis to be wrecked on the treacherous Scylla!

From conversations with many of you whom I believe to be gentlemen of integrity and honest religious convictions, from what I know of your history, your persecutions, trials and privations for your religion, I am not prepared to believe without a new revelation that prosperity has so weakened your faith as to trade off a divine ordinance for a "tinkling cymbal."

I entertain too much respect for you, and so does the Christian world, to believe you are sincere, if you make the sacrifice, unless new lights conscientiously guide you. Once lose the respect the world has for honest devotees to your faith, and you are gone, gone, gone, like Lucifer never to rise. What would you think of a Mohammedan, who to gain a peaceful entrance to a river thereby enriching his coffers, would be willing to sacrifice the crescent for the Greek Cross? Why you would think and act as the Turk thought and acted, and whom the Christian world sympathized with and granted succor to. Why if you did make the sacrifice, do you believe without more light, the world would believe you were sincere?. No!

Your very steadfastness to your faith amid the trying difficulties which encompassed you, like "the still small voice," found a lodgment in thousands of honest hearts all over the world.

What will history write? What will the world say of a convention composed almost entirely of Latter-day Saints, among whom are six apostles and twenty bishops, ready and willing to sacrifice one of their divine ordinances for the sake of a State government?

Hearken to the words of a Gentile who is no enemy of yours, but who has every reason to be your friend, who has no favors to ask except those that one Christian may rightly demand of another—Stay where you are and bide your time! "Learn to labor and to wait" until a new ordinance shall manifest itself for your guidance.

Mr. Fitch

Replied to Mr. Hayden as follows:

MR. PRESIDENT—

I do not intend to say anything to disturb the harmony and good feeling of this convention. But my colleague seems to have misapprehended the spirit if not the letter of my remarks. In the address which he has just read to the convention, he has spoken more than once of gentlemen on the other side maligning the government of the United States. The remarks which I had the honor to submit to the convention yesterday were, as stated by my colleague, carefully prepared. It is a practice that I seldom pursue, but I was so fearful that in the heat of debate I might in an unpremeditated utterance, say something that would be the subject of legitimate criticism, that I thought I would carefully prepare that speech, which has been printed from the manuscript without the alteration of a word, and I defy my colleague—I defy any gentleman on the floor of this convention or out of it to point to one paragraph, one sentence, one word of that speech in which I uttered anything that might be considered as tinctured with disrespect towards the government of the United States. I have never called this great government a despotism, I have never maligned this government, I have never uttered one word in the course of my brief public life that was tinctured with antagonism to the government of the United States or that expressed other than loyalty to its principles, and devotion to the perpetuity and power of this great and glorious government. But Mr. President the government of the United Statee is one thing and the men who are sometimes carelessly elected, not by the people but by executive choice, to administer some offices of that government, is another. The mistake my colleague makes is in supposing Judge James B. McKean to be the government of the United States, or that his judicial course represents it. While I disclaim abusing the government, I also disclaim abusing Judge McKean. Sir, that which I said concerning him is a compilation of the record facts. That I may have made some trifling observations on these facts as I went aloug is true, but the simple statement of the facts, compiled from the records of his own court, constitutes the bulk of that which my colleague calls "abuse." I am content that this record shall go to Judge McKean's superiors, that it shall go to the people of the United States, as it has gone before this convention, and to the people of this Territory. I am content that it shall go separated from any reflections of my own. My colleague has spoken of Judge McKean's record in New York as a record of integrity and of loyalty to the government. I have never assailed his record in New York. He was fortunately so situated that he was able to offer to the government of the United States, in a perilous hour, that which I as well as my colleague from Salt Lake then living in Nevada were so situated as to be unable to offer, namely, our arms and our swords. But because he was so situated and because he fought for his country, that does not assail in any manner the accuracy of the statements made here yesterday by me with respect to Judge McKean's course of conduct in this Territory. I am content to believe that he was a wise, a virtuous and a patriotic citizen there, but it is not what he did there that we are here to consider, it is his course of conduct here that I have reviewed, and so far from that review being outside of the proper limits of debate it seems to me perfectly legitimate. The subject under consideration is the necessity of a State government, and here as in Nevada the necessity for that State government arises out of the condition of the courts, and the condition of the courts is therefore a legitimate subject of consideration on a resolution to adjourn without an attempt to form a State constitution. If my colleague is content with his position as an endorser of McKean on the strength of Judge McKean's biography, if without attempting to controvert one single fact, or explain one of those record circumstances laid before this convention my colleague is content, and Judge McKean is content with defense of previous good character, I have nothing more to say, and the record and the defense may go to the convention and to the country together. In reply further to my colleague's powerful and eloquent plea to the members of this convention and to the Mormon people not to relinquish polygamy—in reply to his earnest advocacy of that institution, and his evident desire that they shall perpetuate it, I have only to say that if he represents the hostile Gentile element of Utah, as he claims to represent it here, and that element is content with his position in this respect, I am also content. The difference between my colleague and myself may be briefly stated thus—I wish the people of Utah to give up McKean and polygamy, he desires the people of Utah to stand by polygamy and McKean. (Applause.)

Col. Akers.

Said he commenced the discussion on the subject, and he felt that he ought to say a little more in answer to his colleague, and he delivered the following remarks—

I do not propose making a set speech; but having opened this discussion, I feel that out of respect to my colleague I ought to reply to what I consider the chief argument embodied in his speech.

In connection with the resolution offered by my colleague, there were four reasons recited, upon which he based his opposition to the formation of a State government. To-day, three of these reasons disappear from his speech; and he now rests his opposition upon the sole ground that the formation of a State government would increase taxation. My only reply to that position is, that, carried out to its fullest extent, it would throw this country back at least half a century. If it has any force, as applied to Utah, it has the same force when applied to every State that has been added to the "old thirteen."

But this, as my colleague knows, and as every gentleman present knows, is not the reason why the formation of a State government for Utah is opposed at this time. I confess to you, Mr. President and gentlemen of the convention, if I should undertake at all to give the reasons why a State government should not be formed, I would go home at once to the central reason, the one that lies at the foundation of every man's opposition. That reason, as we all know, is the existence of polygamy, and I may add a vague sort of notion, which is entertained, that the State so formed would be a Theocracy. Is not *that*, honestly, the real ground of opposition to the formation of a State government?

There runs through my colleague's resolutions a spirit very nearly akin to the one which he disclaims. He tells us if he has no power to lift men up, he certainly has no desire to "drag angels down." And yet he discloses in his resolutions a fixed and settled purpose to obstruct the progress and elevation of the people, which would arise out of the formation of a State government. And I must submit, that it is much easier to *pull down*, than it is to *build up*. It requires a much lower order of talent to *destroy* than to *create*. You all know how slowly and reluctantly human nature rises up from sloth and ignorance and animalism, and what constant efforts are required to raise and hold up the sluggish mass of society. But a single hand may cut the cord and let it thunder back on distruction. To raise a garden to its highest state of cultivation, industry and taste and constant pruning and much culture are required; but a herd of swine can root up and destroy the beauty of that garden in an hour. (Applause.) I want to see a State government, Mr. President, because I desire that the whole system of administration in this Territory shall be changed; and I believe I utter a senti-

ment which every man if he confesses the truth to himself will acknowledge is true, when I say that the whole history of the people comprising the majority of the population of this Territory has been a history of oppression. I do not now refer to the past—to the policy which drove them from State to State, and finally hunted them a thousand miles beyond the border of civilization, into this great valley, inhabited then only by wild beasts and still wilder men. All that I leave out of view, and I appeal to every honest man to state if it is not true in point of fact that the government here is administered now upon principles of harshness rather than upon principles of kindness? I want a State government, because I want to get the machinery of our political system out of these narrow grooves and upon a broader and nobler guage. For one, I believe in the policy of kindness and conciliation, rather than in the policy of harshness and of force. Force was the policy of a past age, when governments, by an iron hand, bound their subjects into salutary submission. But I think that in this country, and in this age, we ought to inaugurate a new system of policy, a policy of kindness, of conciliation, a policy born of Christianity. I desire to see the laws administered upon that line of policy, and to see what it will do to elevate and improve the condition of the people of this Territory. It is more potential as a means of controling men than the policy of force Conciliation always melts the obduracy of man and moulds him to what it will. The worst of criminals, hardened by mere force, is at once subdued by conciliation. The raving maniac, chained to his pillar, rending his garments, and eating his own flesh, is gradually subdued, healed, and harmonized by gentleness and conciliation. The dumb brute, maddened and made stubborn by the good, becomes tractable under kind and gentle treatment. The wild beasts of prey are subject to its authority. With a face of kindness a man can go into the presence of these monsters, can sport with the catamount and the tiger, frolic with the treacherous leopard, thrust his head into the mouths of lions, wind the most venomous serpents around his body and make his pillow on a coil of dragons. And the reason of this lies in the profoundest philosophy of human nature. Force addresses itself to the lowest and meanest instincts of our nature—addresses itself to fear. Conciliation appeals to the highest and noblest attribute of our being—appeals to hope. Coercion commands, conciliation entreats; coercion compells, conciliation persuades; coercion concentrates itself in wrath, conciliation diffuses itself in mercy. Coercion is like the lightning, which strikes the gnarled oak, rending its solid trunk asunder and scattering it in splinters to the ground; conciliation is like the cloud, which baptizes the world with its tears, and bends the bright rainbow of peace over mountains, all rustling with thanksgivings, and valleys of silent beauty, all sparkling with praise.

I want to see a State government, because I desire to see the machinery of our system put upon this elevated plane of conciliation. I want to see men governed through their reason; and not by arbitrary and harsh measures.

Mr. President, and gentlemen of the convention, I sincerely believe, if we were made a State, that within six months all the wranglings and disquietude and dissatisfaction which have been witnessed in this country during the past year would cease and Utah would enter upon a career of unrivalled greatness. For these reasons I shall vote against the resolution of my colleague. (Applause.)

Mr. H. D. Johnson agreed with the sentiments and views of Mr. Akers.

Col. D. Buel (Mr. Fuller in the chair), referring to Judge Haydon's confession that he (Haydon) was a Gentile, remarked that he (Buel) was not a Mormon and the people might judge what he was. In reference a State government, a liberal sentiment existed among many Gentiles. If Mormons were elected to office, he would sustain them in it. So far as the government of the Territory had been wielded by the Mormons, they had administered it with prudence and economy. He had to pay less taxes in Utah than he had ever done elsewhere. As the Mormons had done so well with a Territorial government he was willing to entrust them with a State government. He referred to the subject of polygamy and stated that he favored a State government for Utah.

General Barnum

Vacated the chair, that being occupied *ad interim* by ex-Governor Fuller, took the floor and made a lengthy speech in opposition to the resolution to adjourn.

He expressed his gratification at listening to the able and carefully prepared arguments of his colleague from Salt Lake County, Mr. Fitch, against the motion to adjourn *sine die*. He did not, however, by any means concur in the strictures passed upon the conduct of some of the Federal officers. Whatever views might be taken of the acts of the latter, and he disagreed with them in many respects, he had known them long enough to believe in and respect them for integrity of purpose, and to accord to them honesty of purpose. While differing with his colleagues in opinion with regard to the course of the officials, and with the latter as to the propriety of some of their acts, he believed that his expression of dissent would not lessen the respect which any of the parties might feel for him. He had a sovereign contempt for that spirit, everywhere prevalent in this land, of crying down everybody who does not fawn, flatter, praise to the skies, and elevate everybody who will cry just as they do, who to-day would cry "Praise to Paul and damned be Apollos," and to-morrow "Praised be Apollos and damned be Paul" He had known such men all his life long, from the Atlantic to the Pacific coast, but they were never to be depended upon. He mentioned a case which happened only a few years since in a Territory west of Utah, in which the men of a certain town, Democratic in politics, banded together to prevent a Federal judge holding his court at the county seat, because he was a republican. They not only banded together to prevent this, but they declared all traitors to their cause who should afford said judge a shelter or furnish him food. Now the majority of those very men are as staunch republicans as they were democrats then, and a democrat going there now would have about as hard a time as a republican then.

Referring to the talk, so common here, about Mormon intolerance to the minority, he said he had been a resident of most of the States and Territories of the Union, and he had lived in sections where political antagonism ran so high that the party in the minority were far worse off than the minority—the Gentiles—were in Utah. He had been told before he came to Utah that he could not live here, the Mormon rule was a theocracy, and worse than any autocracy ever established, and a Gentile had no rights here, and if Utah were admitted as a State Gentiles would have to leave. He always regarded such ideas as nonsensical. He came here, and found the Mormons about like other men, fed and clothed like others, and engrossed in the same pursuits. They undoubtedly have their likes and dislikes, but in every respect they are like American citizens elsewhere. As for the intolerance so much talked of, he had seen far worse manifestations of it, both political and religious, than he had seen here, in communities where not a Mormon existed, and where resolutions had been passed against the minority of a far worse character than any that had been passed here during the past two months. Such things invariably cured themselves, and would do so here as well as elsewhere.

The speaker reviewed the reasons offered in the resolution to adjourn *sine die*. In regard to the first, that the people had not taken the usual means, meetings, &c., of expressing their wish for a Convention, he had not been here so long as his colleague, the mover of the resolution, but since he had been here, he had heard incessant wishes expressed in this direction, and he had reason to believe that it was the feeling of overwhelming majorities of the people everywhere, from Cache to Beaver. He believed all, both Mormons and Gentiles, without exception were in favor of a State government if they could have it as they desired.

The second reason assigned, he would not take time to argue. He did not question the honesty of the gentleman who assigned it, but in his opinion there was not a word of truth in it.

The third, about the "sad experience," &c., of other States, he thought was some thing like the experience of a young lady with whom he was acquainted when a young man. She was very desirous to learn to dance, but her mother had frequently told her that dancing was a very wicked amusement, and to frequent ballrooms was dreadful. "But mother, did you not dance when you were young?" "Oh yes, but I have learned the *folly* of it since." "Well," said the young lady, "I, too, desire to learn the folly of it." He never heard of any State that was willing to return to Territorial vassalage. If any of them talked like that he thought they were something like those old millionaires who preached to their sons and nephews the annoyance caused by large estates, and that they never had so much pleasure as when they were accustomed to hard work and poverty. They preached the benefits of the toil and hard fare, but he never heard of one returning to it after it was in his power to enjoy the benefits conferred by wealth.

The fourth reason, that the convention had assembled without color of law, &c., was disposed of as forcibly as the preceding. The people everywhere had the right to assemble *en masse* or by their delegates to petition Congress for the enjoyment of certain rights, and the holding of a Constitutional Convention was no more than that. Neither an enabling act of Congress, nor an act or joint resolution of the local legislature was necessary to empower them to hold such meeting.

But leaving these questions, he would state what was the real objection urged against the admission of Utah, namely, polygamy, and the dominance of the Mormons. As for polygamy, he had no more fear of it than he had respect for the honesty of the men who talked loudest against it, or for the honesty of the political party by whom the popular clamor against it had been raised. Those who railed against polygamy most, cared not how many bagnois or brothels were established; they never got up public meetings against the latter, but were content that vice in its most disgusting form should flaunt in the streets by daylight, and parade them by moonlight, and would say, "It is the custom of the country."

The speaker gave a brief history of the origin of the popular outcry against polygamy. He said some fifteen years ago one of the old party organizations of the country, now defunct, wished for a reorganization. A convention was held in the city of Philadelphia, and what is now known as the republican party was then organized. They nominated a man for president, a man whom he, the speaker, honored and respected as a gentleman, but whom he considered as the poorest candidate for president ever nominated, for he regarded him, as one of his personal friends once said of him—a statesman without a speech, a general without a battle, a pathfinder who always lost his way, and a millionaire with "nary red" The principal nomination was an utter failure, but the party wanted to lay a grand corner-stone on which to build, and they finally raised the cry of "death to slavery." But this was not enough, it was like a stool with one leg, they must have another one, and what shall it be? You can't fly a kite without a tail, nor make a dog run well without tying a tin kettle to his tail. Finally, after looking round in every direction, they discovered, away in the Rocky Mountains, a people who had an institution as peculiar and as old as slavery. "Ah," said one of the members of the convention, "we have it, we have a tail to our kite, a tin kettle to the tail of our dog," and it was resolved that slavery and polygamy were twin relics of barbarism and must be wiped out. Polygmy was simply taken hold of by the party as a tin kettle to their dog's tail, but it did not run John C. Fremont into the presidency. The party had wiped out slavery, but although they had controlled the country since, they had never done anything to wipe out polygamy, and he cared no more about it than they did. If Utah were admitted, he did not fear its effects, nor that the Mormons would rule rampant over all others. If they were the majority, they, as citizens, would have the right to control the Territory, to have a majority in both branches of the legislature, and to have their judges and officers. On these accounts he was opposed to the resolution and hoped and believed that there was enough good sense in that convention to frame a constitution that would be acceptable to the people of the Territory and the country, and if they failed, he should be in favor of holding more conventions until they succeeded, for he wished to see a State government for Utah.

Honorable George Q. Cannon took the floor and commenced to speak in opposition to the motion, but at the wish of the convention he deferred his remarks until the afternoon sitting. The convention then took a recess until 2 o'clock.

Tuesday afternoon.

At 2 o'clock the sitting was resumed, when Mr. Cannon addressed the convention. He said that the mover of the resolution to adjourn *sine die* was the first member of the convention to refer to any class distinctions as existing in the community. He, the speaker, regretted any reference of the kind; and their introduction, to say the least, showed bad taste. Such allusions should be banished, for there were subjects enough to occupy the attention of the members of the convention without dragging in class distinctions of a social, religious or political character. As to religious distinctions, he thought they were entirely foreign to the object for which the members of the convention had assembled, and during their sittings should be banished from their minds and memories.

Reasons had been assigned why Utah should not be admitted into the Union as a State. He would make a brief statement of the circumstances surrounding his own life. He crossed the plains when eighteen years of age, and came to these valleys, then a portion of Mexican territory. He with others, some of them being members of the convention, settled here as pioneers in opening up Utah, and establishing the foundations of this great commonwealth. Twenty-five years had elapsed since then, during which he had labored diligently in building up this Territory and nation; had done all in his power in aiding emigration, increasing the population and developing the resources of the country. He could also say the same on behalf of hundreds and thousands of the citizens of the Territory, by whom no effort had been spared to make this a land in which all classes, creeds and nationalities could dwell in peace and safely; and to make these mountain vales as safe and as free from violence, rapine and everything hurtful as the streets of the quietest city of the eastern States. The fact that men and women could travel without fear of insult or violence from Idaho in the north to Arizona in the south, was proof how those efforts had succeeded; and throughout all the settlements of the Territory there had been peace and safety for citizen and stranger.

Allusions had been made to the effects that would follow if Utah were admitted as a State with the Mormons in the ascendant; but the fears that some professed to entertain of Mormon intolerance and injustice, were groundless. Judge Haydon, the mover of this resolution, had related to the speaker how, eighteen years ago, when Mormon isolation was complete, that he, a stranger, while travelling from the Missouri to the Pacific, had sought and obtained redress of wrongs and justice from Mormon courts and authorities. While as to intolerance, ministers of every religious denomination had been allowed, in the past, to proclaim, unmolested, their several creeds and doctrines in the Mormon cities and settlements, and the doors of Mormon meeting houses had been opened to them to give them an opportunity to do so. And in this city there are now four or five meeting houses occupied by religious bodies other than Mormons.

One of the reasons why Utah should be admitted as a State was that there were many men, even in that convention, descendants of the heroes of the Revolution, who had come hither in boyhood, and who had never yet had the privilege of voting for a president of the United States. This was his position to-day, although during the best part of his life he had done all that a patriotic citizen could do to build up the country, ever manifesting the most untiring zeal and devotion to constitutional principles; and he could speak of the entire people in the same terms. Their loyalty could not be truthfully questioned, neither their devotion to constitutional principles and every thing that makes a nation great and mighty. It was this adherence to principle that had given the people of this Territory prominence in the eyes of the world. For this reason, if for no other, he would urge the holding of a constitutional convention for the purpose of claiming their rights as American citizens and of taking the measures necessary to ward off from their children the vassalage which the pioneers and others of Utah had been compelled to endure. Such a condition was foreign to the genius of American institutions, and he could find nothing either in history, laws, or constitution sanctioning it. There must be a termination to it, and though some claimed that the present effort was inopportune, he thought otherwise, and that the time was most opportune to terminate such a condition of affairs.

The courts of justice were referred to as another proof of the great necessity for a change in the form of government Every possible effort had been made to produce judicial chaos, and to bring about a condition of anarchy in this Territory, and if the people had not manifested the highest qualities of citizenship Utah would not be the peaceful abode that it is to-day. Our probate courts, which formerly held criminal and appellate jurisdiction, had been deprived of their authority, and now he might say, we had no courts outside of Salt Lake City; for the visits of the judge were so rare as to leave the country practically without courts. For these and other reasons urged by the speaker he felt that he must certainly vote against the resolution.

The previous question being called for, the sense of the Convention was taken, and it was unanimously in favor of it. The motion of Mr. Haydon was then put, and the ayes and noes being demanded, resulted in one "aye," and ninety-three "noes," the former from the mover of the resolution.

Mr. Haydon then presented the following:

Since the convention has refused to adjourn, and for fear Congress may do an unwise thing by admitting Utah, I feel it my duty as a good citizen to remain with you to the end and endeavor to engraft on the constitution such principles as I think will best subserve the interests of the whole people. They are briefly these:

1. Prohibition of polygamy hereafter, with heavy penalties, including disfranchisement of all political rights for a violation.
2. No taxes on the mines nor their proceeds for ten years.
3. No subsidies for railroads.
4. Minority representation in legislation and in the Court of last resort.
5. A registration act to promote the purity of elections.
6. One term for Governor.
7. Two-thirds of a jury to constitute a verdict.
8. Equal political and civil rights for all citizens regardless of color or sex.

So much of the last proposition as relates to equal political rights without discrimination of sex I would, in view of the present condition of affairs, not insist on, but as the principle is as dear to me as my loyalty and my religion, I can not sacrifice it for mere policy, no matter what may be the result.

If such propositions as I have briefly stated were adopted, in my humble opinion they will go far towards protecting the rights of the minority, and advancing the general interests of the whole people.

Convention adjourned until Thursday morning at 10 o'clock.

FOURTH DAY.

Thursday Morning.

THIS morning the committees on Ordi-

The Deseret News

TRUTH AND LIBERTY

GEORGE Q. CANNON,

EDITOR AND PUBLISHER.

Wednesday, - - February 28, 1872

nance and Bill of Rights, Education and Boundary gave in their reports, which were referred to a committee of the whole.

On motion of Mr. Buel it was resolved that from 11 to 12 o'clock of the morning session be devoted to eulogies on the character of General George Washington. At 11 o'clock other business was deferred, and speeches eulogistic of the character of Washington were delivered by Messrs. Fuller, Akers, Fitch and Tyler.

Convention took a recess until two o'clock.

The following is a copy of the Ordinance and Bill of Rights, presented by the committee—

ORDINANCE.

We, the people of the Territory of Utah, do ordain as follows, and this ordinance shall be irrevocable without the consent of the United States and the people of the State of Deseret.

First—That we adopt the Constitution of the United States.

Second—That there shall be in this State neither slavery nor involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted.

Third—That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Fourth—That the people inhabiting said Territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that lands belonging to Citizens of the United States residing without the said State shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said State on lands or property belonging to, or which may hereafter be purchased by, the United States.

Fifth—That such terms, if any, as may be prescribed by Congress as a condition of the admission of said State into the Union, shall, if ratified by a majority vote of the people thereof, at such time and under such regulations as may be prescribed by the first legislature of said State—thereupon be embraced within, and constitute a part of this ordinance.

Preamble

We, the People of the State of Deseret, grateful to the Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility, and form a more perfect government, do establish this

CONSTITUTION.

Article I.—Declaration of Rights.

Sec. 1.—In Republican governments all men should possess their natural rights, among which are those of enjoying and defending their life and liberty, acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

Sec. 2.—All political power is inherent in the people, and all free governments are founded in their authority, and instituted for their benefit, therefore they have an inalienable right to institute government, and to alter, reform, or change the same, when their safety, happiness, and the public good require it. But the paramount allegiance of every citizen is due to the federal government, in the exercise of all its constitutional powers.

Sec. 3.—The right of trial by jury shall be secured to all, and remain inviolate forever, but the jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand, and have the same force and effect as a verdict by the whole jury; *provided* the legislature, by a law passed by a two thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

Sec. 4.—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State, and *no person shall be rendered* incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5.—The privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6.—Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

Sec. 7.—All persons shall be bailable by sufficient sureties; unless for capital offences, when the proof is evident, or the presumption great.

Sec. 8.—No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of congress in time of peace, and in cases of petty larceny, under the regulation of the legislature,) except on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence, nor shall he be compelled, in any criminal case, to be a witness against himself; nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire or great public peril, in which case compensation shall be afterward made.

Sec. 9.—Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

Sec. 10.—The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition for redress of grievances.

Sec. 11.—The military shall be subordinate to the civil power, and no standing army shall be maintained by this State in time of peace.

Sec. 12.—*No soldier* shall in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Sec. 13.—Representation shall be apportioned according to the population.

Sec. 14.—The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a limited amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel or slander, and no person shall be imprisoned for a militia fine in time of peace.

Sec. 15.—No bill of attainder *ex post facto* law, or law impairing the obligation of contracts shall ever be passed.

Sec. 16.—Foreigners who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property as native-born citizens.

Sec. 17.—Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Sec. 18.—The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Sec. 19.—Treason against the State shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 20.—The right of citizens to keep and bear arms, for common defense shall not be questioned.

Mr. Z. Snow moved that a hundred and twenty copies of the report be printed.

Mr. Fitch said a hundred and twenty-five copies of the constitution of Nevada were being printed, which was the basis of their labors.

Col. Buel hoped the motion would prevail, as few reports of committees would be so important.

Mr. Cannon favored the printing, though he did not desire the discussion to be delayed on that account.

Mr. Farr favored discussion without waiting on the printing.

Mr. Cannon said the changes in the reports from the constitution of Nevada could be supplied at the opening of the afternoon session. The committe had consulted other constitutions also.

An amendment was adopted to have the alterations printed and inserted in the printed copies of the Nevada constitution

A motion that the report be referred to committee of the whole was adopted.

Mr. Fitch called for the reading of the other reports.

The report of the committee on education was read and referred to committee of the whole.

The report of the committee on boundary, &c., was read and similarly referred.

The President announced that the order of business for the morning hour was the consideration of the life and character of George Washington.

Col Buel, being called upon, excused himself from making a speech, as he had a cold on his lungs.

Messrs. F. Fuller, T. P. Akers, T. Fitch, and D. Tyler delivered eulogies upon Washington, and Hons. O. Pratt and Jno. C. Wright spoke briefly.

Convention took a recess.

Thursday Afternoon.

At 2 p. m, the convention assembled and on motion of Mr. Fitch the convention went into committee of the whole, with the President in the chair.

The motion was reconsidered so far as related to the President occupying the chair; and Col Buel filled the position.

The report of the committee on ordinance, &c., was then read and considered by sections.

Judge Hoge moved to strike out the word "Deseret" from the first section, and substitute "Utah."

Mr. Fuller favored the motion because the name Deseret might be made a basis of prejudice by persons opposed to the State movement.

Judge Snow was not especially favorable to either name. "Deseret" signified "honey bee," was dear by association, and was applicable to the people.

Mr. Orson Pratt said there was a serious objection to changing the name of Deseret to Utah. Deseret was easily spelled correctly by any person, while Utah might be spelled in twenty ways. On the score of antiquity, Deseret had the preference over Utah, for the former ran back to the building of the tower of Babel.

Mr. Fuller objected to Deseret because it was ancient, also again because it might be a matter of objection by enemies of a State Government.

Mr. Cannon said the committee adopted that name because it had been long used and was much liked by the people.

Mr. Fitch was in favor of Deseret, for it was held to mean a honey bee, while Utah referred to a dirty, thieving, insect-infested, grasshopper-eating tribe of Indians. It was also more euphonious than Utah.

General Barnum admitted the euphony of Deseret, but while he was willing to accept Deseret, should it be adopted a howl would be raised on the streets of Salt Lake and be carried over the country that the Mormons controlled the convention, because that word had been first used by the Mormons. While he liked the name of Deseret as a simple combination of letters—which many looked upon as a corruption of the word desert, and having reference to the "Great American Desert"—yet he did think, with the old adage "give a dog a bad name," that the low, petty, contemptible prejudice against that word, would be an obstacle in the way of accomplishing the objects of the convention in securing a state. He hoped the name of Utah would be substituted

Mr. Miner was partial to Deseret. One reason why he wished Utah could be blotted from history was because of the many unfounded slanders perpetrated concerning it. Yet the name of Utah was on all local maps, in public archives, and on public records. These were strong reasons for retaining it. After Deseret he would prefer Argenta, but in view of the circumstances he would vote for Utah.

Mr. Penrose favored Deseret because it was dear to his constituents and to the people of Utah. He did not think popular clamor should be bowed to; Deseret was a good name, it meant something good; he was in favor of it and so were his constituents.

Mr. Tyler said the laws passed by the provisional State of Deseret, adopted by the Territory, were submitted to Congress, yet, if he remembered right, only one of those laws was rejected or repealed This did not indicate prejudice against the name of Deseret. The prejudice against the name, he thought, was not so strong as that against the people. He believed Deseret should be adopted, and would vote for it.

Mr. Milner favored Utah because of the prejudice existing against Deseret, on account of its supposed sectionality, while Utah was considered more cosmopolitan. His constituents were proud of the word Deseret and of their industry which it symbolized, yet they could be just as industrious, worthy and reputable under the name of Utah.

Mr Sanderson said his constituents were decidedly in favor of Deseret and he should vote for it.

Mr. Rich had not heard any sufficient reason to induce him to reject the name presented by the committee. He should vote for Deseret.

Mr. Candland was in favor of Utah.

Judge Hoge was not particular as to names. A prejudice did exist against Deseret and he asked why that prejudice should not be made innocuous, when no principle would be involved or sacrificed.

Mr. Morrison considered the question humorously, and was in favor of Deseret.

Mr. Hatch moved to refer the name back to the committe.

The motion was ruled out of order.

The motion to change the name Deseret to Utah was then put and lost.

General Barnum, wishing to retire, requested Mr. Orson Pratt to occupy the chair on the rising of the committee of the whole.

The first section was then declared adopted.

Mr. Miner moved to amend the second section, which provides for adopting the constitution of the United States by adding "providing it does not conflict with the constitution of this State," (laughter.) He was opposed to the grand jury system and desired to see it abolished. The motion was lost.

The second section was declared adopted.

The third section, on an amended motion, offered by Mr. O. Pratt, had the words "religious sentiment" altered to "religion," and was so adopted.

A motion was made to strike out the first four lines of section fourth.

Mr. Fitch stated that the language in question merely preserved to the United States the proprietary right to the unoccupied public lands, and did not interfere with the titles of citizens.

The motion was lost.

A motion was made to strike out the fifth section.

The committee rose, reported progress, asked leave to resume sitting, which was acceded to.

Convention adjourned till Friday, 23rd, at 10 a.m.

FIFTH DAY.

Friday Morning.

At 10 a.m. the convention was opened with prayer by Rev. Jameson.

After the calling of the roll, the secretary read the reports of the following committees:

Committee on ordinance, bill of rights, &c.; on municipal and other corporations; on militia; on impeachment and removal from office.

A motion that the committee on boundary be requested to supply the Convention with copies of a map of the boundaries of the proposed State of Deseret, was put and carried.

It was resolved that when the Convention went into committee of the whole, speeches on any one proposition be limited to five minutes, and that no member be allowed to speak more than once on the same proposition,

The convention resolved itself into a committee of the whole. General Barnum temporarily vacated the chair, and Col. Akers, on request, occupied it *ad interim*.

Considerable desultory speaking ensued with regard to a motion to insert the word "Constitutional" after the word such and before the word terms in the fifth section of the committee on ordinance, &c. This amendment was lost.

It was resolved that where the above section reads:

"If ratified by a majority vote of the people thereof at such time and under such regulations as may be prescribed by the first legislature of said State, the words "The first legislature of said State" be changed to "this Convention."

A discussion was then commenced on a motion to strike out the entire fifth section. The motion was not put to a vote, when the committee of the whole dissolved and the convention took a recess till 2 p.m

Friday Afternoon.

At 2 p m. the convention reassembled, Judge Hoge occupying the chair. The motion to strike out the fifth section of the ordinance being under consideration.

Mr. Tyler opposed the motion as he saw nothing objectionable in it.

Mr. W. Snow proposed to withdraw the motion, on account of changes made in it being objected to.

Mr. C. C. Rich favored the motion.

Mr. J. R. Murdock opposed the motion.

Mr. O. Pratt favored the motion. The Territory had a right to demand admission, as a Territorial government was not republican. The section was unprecedented.

Mr. J. C. Wright related an anecdote bearing on a possible lengthy sitting of the convention.

Mr. Fuller opposed the motion.

Mr. Cannon said the section gave Congress the opportunity to say what terms were required for the admission of Utah. There had been a carefully elaborated speech delivered in favor of the prohibition of polygamy, and if anything could convince the speaker that it should be done, it would have been that speech, but with all its eloquence it had failed to convince him.

The motion to strike out the section was put and lost.

The preamble was approved.

In the first section of the first article, Judge Snow moved to strike out the word "men" and insert "persons."

Mr. O. Pratt moved to amend the motion of amendment, by making it read "men and women."

Judge Snow favored the amendment.

Mr. Fitch opposed the amendment The word "men" applied to both "men" and "women."

Mr. Miner believed that the Supreme Court held that persons did not include "women," though "men" both included and embraced "women."

The amendment was lost.

Mr. Pratt moved to amend the same section by substituting "lives" for "life". Accepted.

Mr. Thurber moved to amend the fourth section by inserting after the word "a State," "by infringing upon the rights of others."

Mr. Cannon opposed the motion. The motion was lost.

Mr. H. D. Johnson moved to amend the section by inserting after the word "witness," the words "or juror."

Mr. Pratt favored amending to refer to the holding of office.

Mr. Fitch did not favor the motion.

The section was eventually amended to read—"The free exercise and enjoyment of religious profession and worship, shall, without discrimination or preference, forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of opinions on matters of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or other crimes, or justify practices inconsistent with the peace or safety of this State."

The words, "Or which this State may keep with the consent of Congress in time of peace," were stricken out of the eighth section.

Judge Snow move the following as section 21—"No religious test shall ever be required as a qualification for holding any office of honor, trust or profit, under this State." Accepted.

Section 21 consequently became section 22.

Committee rose, with permission to sit again.

Judge Haydon was excused indefinitely from attendance, on account of receiving intelligence of the death of his mother.

Convention adjourned till Saturday, February 24th, at 10 a. m.

SIXTH DAY.

Saturday Morning.

The convention resumed its sitting at 10 o'clock. After the transaction of some preliminary business, the report of the committee on the executive department was received and read, and on motion was placed on the general file, to come up in its order, for consideration in committee of the whole. On motion a hundred and fifty copies were ordered printed for the use of the members.

Delegate Erbe, from Weber county, was sworn in.

Mr. Miner offered the following resolution, and moved its adoption, in order, as he said, to get the sense of the convention on the question involved and to do away with any conflict in the reports of committees, in some of which he noticed that the phrases Legislative Assembly, General Assembly and so forth were used.

Resolved, That the legislative power of this State be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Mr. Fitch rose to a point of order, and said that under a rule adopted by the convention that resolution could only be referred to the appropriate committee.

Mr. Pratt seconded the resolution, and considerable discussion ensued, but it being stated that the duty of one of the committees appointed would be to revise, harmonize, and to suggest any changes that might be deemed advisable in the whole constitution, the motion was lost.

The convention, on motion, resolved itself into a committee of the whole. Mr. F. D. Richards being requested to take the chair, announced that the convention had resolved itself into a committee of the whole, and would take into consideratton the article, in the report of the committee on Ordinance, Bill of Rights, &c., On the Right of Suffrage.

Section one of the article was read by the Secretary and provoked a lengthy discussion. The phraseology of the section in a few points was changed, and when adopted it, in the judgment of the committee, secured the right of suffrage, without the possibility of a doubt or peradventure, to all citizens of the United States, both male and female, who had arrived at a certain age and were legal residents of the Territory.

Various other sections were discussed and adopted. The last which came under consideration during the morning sitting of the convention was in relation to the method of casting the votes at the ballot box, whether it should be done so that the parties voted for would be unknown to any but the voter, or otherwise. The former method seemed to be most favored by the majority of the speakers, but pending the discussion of the subject the convention took a recess until two o'clock.

Saturday Afternoon.

On resuming its sitting at 2 o'clock, the convention resolved itself into a committee of the whole, when the discussion on the method of depositing the ballot in the ballot box was continued. Mr. Rockwood took the floor and made a speech in favor of the method proposed in section 4, as reported by the committee, namely, that as each voter cast his vote his ticket should be numbered and his name written thereon. He believed this was the surest if not the only way to prevent "stuffing" and corruption. In conclusion Mr. Rockwood said, "I move that the committee waive, for the present, the discussion of the fourth section and proceed to the next, which contains the provisions in regard to the manner of registration." The motion was adopted and the fifth section was read by the secretary of the convention.

Mr. Johnson moved to amend so that the section would provide that in all cases the registrars of elections should be elected by the people of the respective precincts. The motion was discussed by Messrs. Johnson, Fitch, Rockwood, Joseph W. Young, Barnum and Farr, and on being put to the vote was rejected. Another point of the section, with regard to defining the test as to the qualification of voters was discussed, but without making any change, the section was adopted and reported.

A motion was then made that the convention re-consider section four, the final disposition of which, it will be seen above, was deferred until section five had been considered. The motion was concurred in, and a lengthy discussion took place on amendments offered by gentlemen, for the most absolute secrecy as to the names of parties voting for the various candidates. The amendments were finally rejected, and the section, as reported by the committee, was adopted by the convention, it being the sense of a majority of the members that, if Utah were admitted as a State, the minor details regarding the methods of conducting elections should be left to the discretion of the legislature.

The sixth and last section of the report was read by the secretary, and after a short discussion was adopted.

Mr. Orson Pratt offered the following, which he moved to have adopted as an additional section of this report:

"All marriage contracts formed or entered into, not condemned by the Bible, that great divine code recognized by all civilized and enlightened nations as the foundation of all criminal jurisprudence, and solemnized, either within or without the State, in accordance with the religious faith of the persons married, and in conformity to the religious faith, forms, ceremonies and ordinances of any people or denomination, shall be as legal as those marriages solemnized by any civil authority; and the legislature shall make no laws interfering with or prohibiting the free exercise of these inalienable religious rights."

The motion was seconded, but as the afternoon was far advanced the consideration of the proposition was deferred.

It was then resolved that the committee rise, report progress, and ask leave to sit again for the consideration of Mr. Pratt's proposition. This was accordingly done and leave to sit again was granted.

Indefinite leave of absence from the convention was asked and obtained for Mr. Rees R Llewellyn, one of the delegates from Sanpete, on account of pressing business requiring his attention at home.

One of the members gave notice that on Monday he should move that the convention hold evening sessions.

Adjourned until Monday morning at 10 o'clock.

SEVENTH DAY.

Monday Morning.

The convention assembled at ten o'clock, and was called to order by the President. The roll was called. A quorum present. Prayer was offered by Elder Shipp. Reports were received from the standing committees on the Legislative Department and taxation, which were referred, and the former ordered printed.

Mr. Haven moved that evening sessions of the convention be held, commencing at 7 o'clock, his reasons being that many of the members were from the country, and evening sessions would expedite the business before the convention and enable country members to return to their homes and business sooner than otherwise. The motion was adopted.

Mr. W. B. Preston offered a resolution that the motion heretofore passed, allowing two speeches of five minutes each on any one subject to any member of the committee of the whole, be rescinded, and that none be allowed more than one speech, except the chairman of any committee and the mover of a motion, they to have the privilege of two speeches if they desire it.

The convention, on motion, resolved itself into a committee of the whole, Mr. A. P. Rockwood chairman, when the secretary read Mr. Pratt's motion, made on Saturday afternoon, in reference to the solemnization of marriage.

Mr. Pratt said, that although he considered this a very important item to be embodied in the bill of rights, yet upon further reflection he thought the substance of his motion was already embodied in the bill of rights, and also in the ordinance; he therefore withdrew his motion.

Mr. Akers introduced the following resolution, which he offered as a substitute for section four of the report of the committee on elections.

That all elections by the people shall be by ballot, and the legislature shall have power to enact laws in relation thereto as shall be deemed necessary to preserve the purity of elections and to prevent fraudulent voting, provided, however, that no law shall be enacted whereby the ballot of any individual elector can be identified, and all elections by the legislature, or either branch thereof, shall be viva voce.

No action was taken on this resolution, its mover stating that he merely introduced it, in compliance with parliamentary rule, in the committee of the whole, that it might be hereafter discussed in convention.

A motion by Mr. Miner, in reference to the abolition of the grand jury system, was renewed for the same purpose.

The committee of the whole then considered and adopted the report of the committee on militia; and proceeded to discuss the report of the committee on impeachment and removal from office; pending its consideration the convention took a recess till 2 o'clock.

SPECIAL TO THE DESERET NEWS.

By Telegraph.

GENERAL.

NEW YORK, 21.—The boards of trade petition the United States Senate asking action on the bill already passed by the House for the repeal of the duty on tea and coffee. Proceedings have been commenced to throw into involuntary bankruptcy all the insurance companies in this district which are unable to meet their Chicago losses.

INDIANAPOLIS, 21.—The hotels are crowded with delegates to the Republican State convention which meets to-morrow. The contest for the nomination of Governor is between General Ben Harrison and General Thomas Brown. The district delegations have all had caucuses, in favor of Grant and Colfax for the presidential ticket.

Julian telegrahs to night declining the use of his name for Congressman at large under any circumstances.

LAWRENCE, 21.—The State convention to elect delegates to the Republican national convention at Philadelphia, met here to-day, and was the largest ever held in the State. Resolutions were unanimously adopted expressing renewed confidence in the President and vice-President, and faith in the future of the Republican party.

WASHINGTON, 21.—The convention of the District of Columbia have elected two delegates, one colored, to the Philadelphia convention. Resolutions were passed endorsing Grant and Colfax.

A Washington despatch says that the note of Lord Granville on the *Alabama* question, addressed to Minister Schenck, is exceedingly amicable in tone and elaborate and profuse in expressions of the desire of the British to preserve the treaty and establish friendly relations between the two governments. The burden of the communication is a repetition of the views expressed in the speech from the throne. The reply will show that there has been no surprise in the matter of the American case, that the claims for consequential damages had been presented for discussion before the joint high commissioners. This being so, there can be no withdrawal of the American case.

CHICAGO, 23.—Ex-Senator and ex-Governor Richard Yates is lying dangerously ill with hemorrage of the bowels, at his residence in Jacksonville, Ills.

About 150 passengers from San Francisco by Union Pacific railroad arrived at 11 o'clock last night. They are very severe in their denunciations of the officers and employees of the U. P., charging them with neglect of their duties, inefficiency, and with brutality in their treatment of passengers.

A New York special says the Pacific railroad embargo has again made itself felt in New York. From Broadway to the Pacific mail steamship company's pier, Canal street, is filled with loaded carts, and the carmen stand by them night and day awaiting their turn to deposit their goods in the extra steamer, which is to start next Thursday. At night the street is illuminated by many bon-fires. Merchants have authorized their carmen to pay high premiums for places ahead in the line, but not a carman will budge from his place. One hundred were waiting last night and the number was no less this evening.

WASHINGTON, 23.—A bill was introduced by senator Morrill, at Vt., to-day, to appropriate to each State in which agricultural colleges are established in accordance with the law of 1862, 1,000,000 acres of the public lands for their endowment and support.

The note of Earl Granville to secretary Fish, through Schenck, was received in the cabinet to-day. While this government does not seem disposed to modify the statement of the case, it will doubtless respond to the British objection in such a spirit as to show its earnest desire for a settlement of the questions at issue in a manner altogether satisfactory to all parties. Application was made to-day for a copy

of the British note for publication, but without success. It was remarked that the note was of a peculiar character and couched in delicate language, and as the reply would be in like temper, there was no cause whatever for apprehension as to the continuance of peace between the two countries.

BALTIMORE, 23.—An evening paper publishes an article charging the Rev. L. V. Huston, a distinguished minister, with the seduction of several young ladies of the Sunday school of his church.

CINCINNATI, 23 —The passenger train on the Short Line road fell through a bridge three miles from Elliston, Ky., to-day. About sixty-five passengers were on board, two were killed, fifty-two wounded Surgeons and supplies were sent from Covington at 1 p m., and a locomotive followed with other surgeons in a short time. The wounded are cared for. The passengers say the wounded were heaped in a most horrible mass, and the scene following was exciting in the extreme. The killed are John P. Brock, of Ky., and Harrison Julian, colored, the porter of the train.

SAN FRANCISCO, 23.—A married woman living at 46 Jessie street, says that on Wednesday night a man attempted to climb into the window of her room, that she siezed an axe and chopped him repeatedly on the head, and that he then left. His hat, with five cuts in it, was found, and the axe is covered with blood, and in the middle of the room is a quantity of blood as if the struggle had taken place there, and not at the window. People living in adjoining rooms say they heard a noise as if a loud and angry altercation was going on. The trail of blood was tracked to the corner of Anthony and Mission streets, where a large pool of blood was found, and beyond that nothing can be ascertained She is 45 years of age, weighs 230 pounds, and was married six weeks since to McEvoy, an employe at Oakland. The affair is a puzzler for the police.

A French girl, known as Mathilde, made two ineffectual attempts to drown herself at Meigg's wharf yesterday on account of being discarded by her lover.

A Washington D. C., dispatch to the *Herald* says there will be a delay of several days in dispatching our answer to lord Granville's note. The result of an interview had by Thornton the English minister, with secretary Fish yesterday, was sent by last night's steamer, so that it might reach England earlier than the American answer, and thus anticipate the tone of Fish's dispatch, and in the judiciary committee the question was referred to senator Casserly for examination, he being familiar with the whole question.

LAWRENCE, Ks., 24.—Rev. E. P. Hammond has been holding meetings in this city for a week past, immense crowds being in attendance day and night. The largest church, holding nearly two thousand people, was thronged. Five hundred persons rose for prayers on Wednesday. Yesterday a prayer meeting, at which a large number was present, was held in a liquor saloon. Full a thousand people are either converts or deeply interested.

CHICAGO, 23.—The *Tribune's* Washington special states that the deputies have two cases on hand, in which two prominent American ministers are charged, in general terms, by the government of offences similar to that committed by Catacazy.

The Spanish authorities have caused representation to be made that minister Sickles has taken such part in the discussion of Spanish politics as to give grave offense to the government of Madrid. Further, that his views have been of such a pronounced character between the various factions, and his criticizing of Spanish officials such as to amount, in the eyes of the authorities at Madrid, to an inexcusable interference. That the Spanish authorities have caused their grounds of objection to the course taken by Gen. Sickles to be brought to the attention of secretary Fish, and have caused it be understood that the return of Sickles to Madrid is not desired.

The second case is that of our minister to Italy, Geo. P. Marsh. It seems in our announcement in 1870, that the Italian government meant to occupy the Papal states; under date of Sept. 12th of that year, he wrote to Secretary Fish as follows: "The Italian government has long hesitated in the adoption of any decided policy, it in fact has been so constantly in the habit of blindly following the dictation of the Emperor of France in the conduct of all its foreign relations, without attempting to work out a policy for itself, that, since the downfall of the empire silenced its oracle, the ministry has been completely unable to arrive at a conclusion upon any subject, until forced, by fear of popular violence, to decide upon the military occupation of the Papal territory. Its future course in this matter, unless controlled by exterior forces, will be characterized by vacillation, tergiversation and duplicity, as it has always been, since 1864, and there are no reasons to hope that any uneasiness originating by this or any probable future cabinet will tend to settle the question upon any terms which ought to be acceptable to the Italian people."

This was published in a correspondence of the State Department, but was only lately called to the attention of the Italian authorities; and led, at once, to an exhibition of considerable coolness toward Minister Marsh. The matter has been called informally to the attention of the State Department. In partial explanation of the matter, there, it is said, this particular letter of Marsh's was not intended for publication, but was inadvertentely placed, by the clerk, among those selected for the printer. No formal request was made for the recall of Marsh, but the Italian authorities have intimated that it cannot be expected that they will entertain a very friendly feeling for a minister who has accused their government of continued vacillation, tergiversation and duplicity.

The *Times* special says the Secretary of the Treasury will issue, to-morrow, new rules for the general order of business in New York, which will virtually abolish the Leaf and Stocking system. This is to be followed, this week, by the removal of Collector Arthur, in order that more efficiency may be given to the new order of things.

FOREIGN.

LONDON, 21.—The press directory gives the number of papers in Great Britain at 1,456.

Five hundred weight of gunpowder was seized at Cork by the authorities.

PARIS, 21 —A bill has been introduced in the assembly, to increase the powers of the government over the press

Thiers has summoned the principal generals to give an account of the present state of feeling in the army.

ROME, 21.—The Pope has asked England and Austria for a meeting of the Ecumenical Council in their dominions.

A fanatical Pole from Pozen has been arrested at Berlin, on suspicion of contemplating the assassination of Bismarck. A pistol was found on his person.

A decree has been issued to suspend the publication of the *Gaulois* in Paris.

The excitement in London over the *Alabama* claims is rapidly subsiding. It is understood John Bright appreves the conduct of the government

BERLIN, 22.—It is reported that Bismarck proposes to issue invitations to the different powers for an international congress, the object of which will be to establish a system of cheap and uniform rates of postage, and to facilitate the transmission and exchange of mails.

ROME, 22.—Several bishops of the Roman Catholic church are urging the pope to hold the ecumenical council at Trent, in Tyrol. The Austrian government, however, does not seem disposed to grant the permission which has been asked by his holiness for the assembling of the council within its dominion. Should the pope be successful in his application he will not attend the sessions of the council in person, but will remain in Rome, and be represented at the meeting by a cardinal.

SAN DOMINGO, 12 —The country is comparatively quiet, but cannot remain so long. Cabral, with 1,200 men, threatens to attack Azuaxael.

Baez proposes to make a trip to Europe soon, going by way of the United States. It is reported that he has received an invitation from President Grant to visit Washington.

HAVANA, Feb. 24. — The British schooner *Lark*, which was seized a few weeks ago by Spanish cruisers on suspicion of landing arms for the insurgents, has been released.

JACMEL, Hayti, 11.—Troubles are multiplying in Hayti, and the stability of the present government is more uncertain than ever.

An attempt was made on the night of the 5th instant to burn the city of Port Au Prince. The flames burst out simultaneously in several quarters of the city, and a revolutionary outbreak was feared. The troops were ordered out and the President and ministers were in the streets all night. The fires were extinguished before much damage was done. Seven of the supposed incendiaries were arrested and await trial.

LONDON, 23.—The mail steamer from the Cape of Good Hope has arrived. Encouraging reports from the diamond fields continue to reach Cape Town. Diamonds are selling at auction, and a decline of 25 per cent. in prices is reported.

ROME, 23.—The Pope in consistory yesterday appointed twenty-eight bishops, including four for dioceses in America.

NEW YORK, 14.—A London special says the Germans are again arming two corps, one in order to be in readiness. The cause for these preparations is the great activity of political parties at Versailles and the posibility of change in the government of France. Germany reserving the right to decide as to any new government there. Should she deem such government unlikely, either by inclination or incapacity, to execute the treaty of peace, there will be another invasion.

LIEPSIC, 24.—The police authorities have issued a proclamation against the internationalists. It is aimed, however, at the social democratic republic, which would give the workingmen political power. Artizans are prohibited from joining the society.

NEW YORK, 24.—A late letter has the following from Russia—

The latest and most astounding political news is that Russia, in order to outflank the Austrian policy in Gallicia, intends to try one more experiment with the Poles. She proposes to conciliate them by allowing them a certain amount of national resources and independence. This may seem even stranger than fiction, but there is truth in it. The present Emperor, not unlike Alexander I, has a touch of romance, and after having crushed with iron heel the unfortunate Poles, so that they are utterly unable to rise in their own strength, he may now think of extending to them a lifting hand and making them his friends. His motive may be seasoned somewhat with political ambition. An influential party in Russia much desire such reconciliation in the interest of Panslavi, scn., which in Austria is now a matter of life or death to the constitution. In case Austria decide to give the Gallicians autonamy, it would react upon Russian Poland and become a serious difficulty to the St. Petersburgh cabinet. Much as the world imagines that Poland lies bleeding at the feet of the Czar, there is not the least possibility that political combinations may partly restore this unfortunate nation. The worst trouble is that the Poles have always been extravagant in their demands and that when to day they consider their boundaries as embracing even Dantzic and Alsatia.

LOCAL AND OTHER MATTERS.

BEE MEETING.—Wilford Woodruff, President, and A. M. Musser, Secretary of the Association for the Cultivation of Stock, Bees, &c., desire us to announce that a Bee Meeting will be held March 4th, commencing at 10 a.m., at the 14th Ward Schoolhouse. All interested in Bee-keeping are invited to attend.

BEES.—All persons having bees would do well to place in front of the hive a shallow dish, pan, or box, with rye meal, or, if you can not get rye, wheat meal or buckwheat flour will do. Place over the dish some small sticks or cobs and crape and a few drops of anise. This will encourage early brooding, which is very necessary, as stocks of bees are very light this spring on account of their stopping brooding so early last fall. S. H. PUTNAM.

IN A TEA-POT.—The New York *Herald* designates the frothy indignation of a few nondescripts over the visit of the Japanese Embassy to President Young as a "tempest in a teapot." If not very tea-poty it was very whisky-poty.

THE POPULATION.—Washington correspondence of several exchanges reports that Utah cannot be admitted unless her population comes up to the new apportionment law. The fact is that Utah comes much nearer the figures in question than most people suppose.

ILLEGAL LAWS.—Washington, Feb. 16. Anti-Mormon influences are endeavoring to press a bill of a retrospective nature intended to legalize hitherto doubtful legal acts. The Mormons insist that the bill of itself confesses all the alleged illegalities, and is, moreover, unconstitutional in that it seeks *ex post facto* legislation for criminal matters. W.—*Chicago Post*,

AN AWFUL CALAMITY.—That Minister DeLong should answer the wish of the Japanese Embassy, and gratify his own personal desire, to pay personal respects to Brigham Young, whom Mr. Seward pronounced one of the most remarkable men of these times, is one of those calamities, which, happily for mankind, rarely befalls enlightened nations.—*Omaha Herald.*

THE MUDDLER.—The Philadelphia *Press*, speaking of Judge McKean's visit to Washington, says the judicial affairs of Utah "are considered to be in such a confused condition that not a few members of Congress have said they will not vote a dollar for expenses until some satisfactory explanation be made concerning recent trials in Utah." Judge McKean is the great muddler of Utah matters.

THE MORMON QUESTION —Washington, Feb. 2.—The Salt Lake dispatch, alleging that the government has been misled by the Utah attorney, Bates, is not confirmed at the Attorney General's office. Mr. Bates presented the Attorney General certified copies of the court proceedings in Utah, and upon these records the government ordered the application of admission to bail to be heard. Bates appears to have the entire approval of the law officers of the government for every official action. The Senate Territorial Committee will report a resolution authorizing an inquiry into the entire law and the facts of the Mormon legal complications. — *Chicago Post.*

NOT TERRIBLY DISSATISFIED.—Says the Reese River *Reveille*—

"The late municipal election at Salt Lake City has inspired the Gentiles of that place with a decided aversion to Female Suffrage, which institution, the telegraph says to-day, they have memorialized Congress to abolish in Utah. It appears that at that election the wives and daughters of the Mormons turned out *en masse* and voted the Mormon ticket to a woman; the Gentiles, not being favored with female auxiliaries, gave up the contest early in the day, as they saw the futility of standing up against a party whose very vote was duplicated by every female connected with the voter's household.

"This goes to show that the Mormon women are not so terribly dissatisfied with polygamy as they have been represented to be, for making all due allowances for the pressure which was undoubtedly brought to bear by their male protectors, a spirit of rebellion would have cropped out in some cases had it existed."

How unfortunate. Now the charge of coercion of the feminines by the "Mormons," must perforce be abandoned. Another sensational lie nailed.

DESERTING ITS FRIENDS.—The Chicago *Tribune*, which has done more than any other single journal in the Union to encourage and uphold the lawless raids of the McKean mercenaries upon the people of Utah, is guilty of shamefully deserting its friends. Reviewing the disgraceful condition of things existing in that Territory, it clamors for a radical remedy according to the following prescription:

"There should be some short, sharp, decisive way of settling these disgusting squabbles among small politicians. If Congress could devise some means by which those already in office could be forever removed from it, and those seeking to displace them could be forever disqualified from holding office, the suffering people would be forever grateful."

This is certainly rather drastic, and if Doctor Grant gives the *Tribune* dose to the Utah patient it will be likely to effect a speedy and radical cure. But it cannot be denied that the Chicago paper is heartily tired of the contract which it entered into to overthrow the Mormon power by means which were known to it to be as infamous as they have been lawless, and as they have been injurious to all interests.—*Omaha Herald.*

ADMINISTRATOR'S NOTICE.

THOSE persons who are owing the estate of Edward Samuels, deceased, are hereby requested to settle their indebtedness forthwith, and all persons having claims against the estate will present the same for adjustment and settlement to the undersigned.

DANIEL McALLISTER,
Administrator estate of Edward Samuels, dec'd.
w4 3t

NINTH QUORUM!

THE members of the Ninth Quorum of Seventies are respectfully informed that Meetings of the Quorum are held at the house of Bro. A. N. Hill, 14th Ward, on the third Sunday in each month, at 5 p. m.

Each member of the Quorum is requested to forward a statement of his present place of residence, with any information he may have of any other members who may have died of late or who may have removed out of the Territory, or been removed to other Quorums, so that the Quorum may be filled. Address

ISAAC LANEY,
Salt Lake City.
d80w4

J. M. JOELSON,
Dealer in
FURNITURE,
And Manufacturer of
Upholstery, Mattrasses, &c.,
GROESBECK CORNER, Opposite the
WHITE HOUSE,
SALT LAKE CITY, UTAH.
w49tf

Continued from page 48.

If you do not by this concession successfully organize a State government for yourselves now, the day is not far distant when your foes will organize one over your heads, and organize it upon such terms as will ostracize your most honored citizens from public place, if it do not disfranchise the body of your voters. The political history of some of the reconstructed States lies legible to your perusal and for your warning. In politics as in finance the tendency of the age is to centralization The triumphant career of a great political party *demonstrates to you that there is no government so strong as a government of* opinion, that there is no law so powerful as the will of a people. It is a turbulent, a resistless torrent, constitutional barriers are swept down before it, laws are changed to accommodate it, courts are overwhelmed or carried away upon its crest, and institutions which lift up their voices against it are hushed by its mighty thunders

Do no trifle with your opportunity. Do not wait the tardy action of Congress. Do not entail upon yourselves years of oppression. Do not play into the hands of your foes. Do not close the mouths and tie the hands of your friends Believe rather that this is the hour for triumph, that this is the "tide in your affairs which taken at the flood leads on to fortune." Believe rather that out of the wise compromise, the wise concession, which may have a beginning here, a happy future shall grow, that from this home the lovely State of Deseret shall go forth, with her errors forgotten, with her virtues shining like rubies upon her breast, to clasp hands with her sister States and march with them along the highway of empire which stretches from sun to sun.

Ex-Governor Fuller followed Mr. Fitch in a brief speech against the motion to adjourn *sine die*, and giving some reasons for a State government for Utah. In reference to one of the reasons given for adjournment, that the people of this Territory had not taken the usual American means of manifesting their wishes for a State government, namely, public meetings, resolutions, petitions, &c., he thought one word would answer that objection, for the people of Utah had taken the course usually pursued where no enabling act existed—they had been called upon to express their opinions, and had responded by voting for delegates to this convention and if a constitution should be framed by this convention it would be submitted to the people for their approval or disapproval. The reason assigned that the population of Utah is insufficient is of no force, for that reason is based on the New Apportionment Bill, which does not go into force until 1873. The fourth reason assigned by the gentleman who moved for the *sine die* adjournment, was that the convention was called without any authority of law and that its action has no other merit than that which pertains to any meeting of citizens called to discuss public measures. In reply, he, the speaker, said he knew of no higher merit the convention could possess than that of being a meeting of citizens called to discuss subjects of general importance, and if his memory served him the first convention that met for a similar purpose in Nevada had no higher color of law than that; while in the State of California the first convention, having the same object in view, was called merely on the recommendation of the commander of the United States forces in that State, and he could think of no law more attenuated than that, and in such matters no legal enactments can be binding; even the enabling acts which have been passed by Congress for the admission of the various States have not made it binding on the people of the Territory to meet in convention to adopt a constitution under such enabling acts, but have merely been recommendatory and advisory, and have granted permission to do so. The act for the calling of this convention passed by the late Legislature and vetoed by the Governor, as well as the joint resolution of the Legislature, could in no sense be considered as binding, he therefore could not understand what his colleague meant when he said this convention met without color of law.

The speaker then reviewed the third reason assigned by the gentleman, that the sad experience of other States created without sufficient population, has taught us that it is wiser to remain a carefully cared for ward of the General Government than to impose upon ourselves an onerous burden of taxation, crippling the energies and retarding the development of the resources of the country. He, the speaker, felt it unnecessary to discuss that question. No imposition ever practiced by a monarch upon its subjects was greater than the wardship or guardianship exercised by the government of the United States and its Territories. It is a relic of the colonial system of Great Britain, and in all its essential particulars is the same as that which exists to-day between the government of Great Britain and its dependencies. The history of one of the Territories of the United States is the history of all, and it is a history of injustice, wrong, oppression, official corruption on the one hand and on the other, of suffering, and appeals for aid; granted spasmodically by the government in the removal of bad men and the appointment of worse ones. He believed that this system of tutelage, pupilage and vassalage which now exists in the Territories must soon cease to exist, and he ventured to predict that in five years the only Territorial appendage of the United States would be ice-bound Alaska. He said this not because he believed Congress would be any more willing to admit new States in the future than in the past, but because it would be impossible for a system so utterly vile to longer exist under our republican form of government. He had thought upon this subject long, and he was convinced that if there was a pernicious, vile, objectionable system known among the governments of the world, it was the Territorial system of the United States.

The honorable gentleman then briefly reviewed the early history of Nevada, and showed that the experience there in official corruption was very similar to that of Utah, and that one of the earliest efforts of the people to obtain deliverance of Territorial vassalage was owing to their hatred of the judiciary system as forced upon them; and though in Utah there had been more accusations and hard words passing from one side to the other, yet her history had been, substantially, the history of all other Territories, and for this reason he was in favor of a State government and opposed to the motion to adjourn *sine die*.

Mr. Jennings followed in opposition to the motion, and in a short speech adverted to the past history of the people of Utah. He referred to the fact that in the early days of California, Nevada, and other portions of the West their supplies of the necessaries of life had been the result of the labors of the people of Utah, and that without the latter the settlement of Territories of the Rocky Mountain region would have remained unaccomplished and their resources undeveloped for an indefinite period. He referred to the dreary march of the people of Utah from the Missouri to these valleys, their arrival here in poverty, their heroic struggles to live, their ultimate prosperity, their excellent system of government, attested by the fact that the Territory, and every municipality it contained were perfectly free from debt, all demonstrating that the people of Utah were amply capable of self-government, and still; after giving such incontestible proof of the fact, one man, delegated by the general government, against the wishes of the people, had absolute power to veto any and every law passed by the representatives of the people of the Territory. These and many other abuses to which they were compelled to submit, proved the necessity of a change from a Territorial to a State government, hence his opposition to the motion under discussion.

Honorable Z. Snow addressed the Convention briefly in opposition to the motion. He was in favor of the people of Utah respectfully demanding and not slavishly begging their rights of the parent government. As an American citizen he had inalienable rights; he had enjoyed those rights at some portion of his life, while residing under a State government, and it was a flagrant wrong to be deprived thereof simply because he had passed the boundary lines of a State into a Territory. He recognized the United States government as the supreme power in, and the United States Constitution as the supreme law of, the land, but while doing so, he knew that as a citizen of the Republic he had rights and privileges of which no legitimate exercise of power could deprive him.

Mr. Miner referred to Michigan, which instituted its own State government and elected its own officers and was admitted. He read from and commented on the Federal Constitution and contended that the people had the constitutional right to assemble and petition for what they desired, and claim a State government.

Mr. Rowberry was strongly in favor of a State government, because under it the grants of public land made by Congress in aid of educational and other purposes could then be made available. It would also confer upon the people the power to elect their own judges and other officers, which, in the light of the past and present experience of the people, would bring about a most desirable change in their condition.

Hon. Orson Pratt addressed the Convention briefly in opposition to the motion. He considered that a Territorial form of government was unconstitutional, and that Congress had no right by virtue of the Constitution to impose such a form of government upon any people within its jurisdiction. That form of government had been forced upon the people of Utah contrary to their desires, and he thought it was high time that the people demand, not ask as a matter of grace, the right which belonged to them as American citizens. Under the present system the people of the Territory were deprived of the privilege of enacting one single law for their benefit. The hundred thousand citizens might vote and send their representatives to the legislature, and the latter might toil and labor for the good of their constituents, and a single stroke of the pen of one man, not elected by the people, could annihilate all they could do. This was not Republicanism, it was despotism, and therefore he was opposed to the motion and in favor of a change of government. He did not believe in the people crouching at the doors of Congress and begging for their rights, but in asking, demanding the rights guaranteed by the Constitution to every American citizen. When the people came from the Missouri river and penetrated these arid wilds, they did not come for the purpose of being disfranchised and to lose their American citizenship, or to receive a form of government that would deprive them of all the rights of American citizens. They had been compelled to submit to a form of government that had done so, but they desired to have this yoke of bondage broken, and they had met as the representatives and delegates of a free people to claim those inalienable rights guaranteed by the instrument framed by our honorable ancestors.

Adjourned till Wednesday, 10 a. m.

THE UTAH GOVERNOR'S VETO.

The veto by the Territorial governor of Utah of the legislative act for holding a constitutional convention preliminary to an application to Congress for the admission of Utah as a State, develops another phase in the policy * * * * which guides the Washington administration. The Utah governor, Woods by name, is a political parasite. * * * He tells the vassals * * * the inhabitants of Utah:

"To become a State in the Union is not a right, but a privilege. Good judgment would therefore, require that, before any convention should be called, Utah should place herself in harmonious relation with the general government. The first and highest duty of citizens is obedience to law. All violations of the laws of Congress should cease. Polygamy should be abandoned and laws should be enacted by Congress upon that subject until it is done. The people of Utah cannot expect, nor should they ask, admission as a State."

The question whether to become a State in the Union is a right, or only a privilege of the people inhabiting an organized Territory of the United States is one that in no way involves the question of polygamy, and that demands consideration independently of that question. The constitution declares that "Congress may admit new States in the Union." The language implies a discretionary power in Congress to admit or not to admit; and in other portions of the instrument the meaning and extent of this discretionary authority are fully exhibited. Congress shall see that the government of the new State is republican in form. Congress shall make all rules and regulations necessary for the government of the Territories, &c. In the exercise of these powers, Congress has passed acts organizing territorial governments; providing that a condition precedent of the admission of a new State should be a population sufficient to entitle such State to at least one representative in the popular branch of Congress, &c. Under the same general power of government in the Territories, Congress has passed "enabling acts," prescribing to the inhabitants of a Territory certain modes of procedure in applying for admission into the Union of States. But in none of these constitutional provisions, and nowhere in the character from which the Federal government derives its existence and all its powers, is there found any warrant of authority or right in Congress to positively deny to the people of a new State, formed from United States territory, admission into the Union, and to hold such people in a condition of provincial vassalage to the government of Washington. The whole theory and structure of our political system, and of every *republican* system or form of government of which it is possible to form any intelligent conception, negatives the idea of the existence of any such monarchical power in any part of its organism. The proposition is directly at war with the whole doctrine of self-government. It is wholly incompatible and irreconcilable with the most essencial fundamental principles of political liberty upon which the republic of the United States was established, and without which its government would be republican neither in form nor in fact.

Either the inhabitants of the Territory, comprising the requisite political numbers and conforming their political institutions to the requirements of the Federal constitution by agreeing upon a constitution republican in *form*, have not a right to be admitted as a new State into the Union, or they have such a right. If they have not such a right, then Congress *may not* admit them. If they have not such a right, then they have no right of self-government; but only a right to yield a passive and unquestioning obedience to whatever form of government or fashion of laws a power having its seat far beyond their own borders may think proper to send its agents to execute among them, and their only mode of rightful escape from the local dominion of a foreign power is in a successful rebellion against that power. It is necessary to consider them under one or another of three conditions: As having at some point, a right to be admitted to the Union as a self-governing State, or as having no right of self-government whatever, or as having the right to throw off allegiance to the United States and setting up an independent government of their own. If the Constitution of the United States can not be reconciled to either of the latter conditions, then it must be considered as recognizing the admission of a Territory to the Union as a State as a political right under the Constitution, and not as a mere congressional privilege.

But this question was ably and thoroughly considered, and the whole argument was exhausted, during the Kansas-Nebraska controversy. The inherent right of self-government then affirmed as an indefeasible and constitutional right, was not then, and has never been, successfully controverted.

It is probably a fact that Utah, not possessing the requisite population, has not yet *acquired* the right of admission to the Union as a State, under a constitution republican in form. But this fact has nothing to do with the assumption of an official parasite * * that to become a State in the Union is not a right, but a privilege.—*Chicago Times.*

THE UTAH PROSECUTIONS.

To the Editor.—The press dispatch in the *Times* of yesterday from Salt Lake, relative to the action of the grand jury of that city, charging district attorney George C. Bates with unprofessional conduct in delaying the hearing before the jury of the Robinson murder case, conveys an erroneous impression to those not familiar with Utah affairs. Mr. Bates is on his way to Washington by order of the attorney general of the United States, for consultation upon these Territorial trials, as he announced in open court recently. U. S. Marshal Patrick has already incurred liabilities amounting to some $15,000 in the prosecution of various suits, which the law department of the government declines to pay without a special congressional appropriation, and in the meantime the important trials now pending have been postponed for want of funds to pay the expenses of the prosecution. Mr. Bates has appointed James L. High, Esq., a talented young lawyer of this city, who is temporarily residing in Utah, as deputy attorney during his absence, giving him instructions either to proceed with the business before the grand jury or to advise their adjournment until the March term of the court, when all the pending criminal business will come before them. It appears, however, that this * * jury, the validity of which is now pending before the United States supreme court, under the inspiration of the political ring of carpet-baggers and bummers, who have for *the past year, disgraced the Territory* and set justice at defiance, have taken a cowardly advantage of the absence of the district attorney to bring serious charges against him, which no man, familiar with the character and legal reputation of Judge Bates, will for a moment believe. All who have witnessed his official course in Utah will bear testimony to his faithfulness and energy in the discharge of his duties. True, he has not disgraced himself by the exhibition of a vindictive spirit, or the display of partizan prejudices against defendants on trial, as was the case with some of his temporary acting predecessors, and for this omission to carry out the ring programme he has been selected as a victim. One of the greatest wrongs perpetrated by the present administration is to be found in its relations with the territorial governments, which are alleged to support some of the scurviest carpet-baggers and scalawag politicians to be found in the country.

ONE WHO KNOWS.

Chicago Times.

NOTICE.

TO WHOM IT MAY CONCERN. That cash entry No. 720 for the Townsites of Paragoonah, Iron County, Utah, made January 12, 1872, embracing the following described lands, to wit: S E ¼ Sec. 32 and W ¼ of S W ¼ Sec. 33, Township 33 South, Range 8 W, containing 240 acres, and cash entry No. 721 for the Townsite of Summit, Iron County, Utah, embracing the following described lands, to wit: N ½ S W ¼ Sec 28, Township 34 South, Range 10 West, containing 80 acres; have been made in trust for the inhabitants, and are now ready to be disposed of in lots to any person or persons entitled thereto.

All persons claiming to be the owner or possessor of any portion of said entry will take due notice and make the application as provided in the statutes of Utah.

SILAS S. SMITH,
Probate Judge for Iron Co.

s99 3m

Continued from page 39.

by an official phonographic reporter appointed by himself. When the Supreme Court of the Territory met on the 5th of February, Chief Justice McKean presiding, the record in the Hawkins case was not quite ready, because the clerk had not had time to prepare it in the short period that had passed since Judge McKean signed the bill of exceptions, whereupon the Chief Justice adjourned the Supreme Court until the third Monday in June next, I will not say to prevent the Hawkins case being heard and reversed by his associates, although I understand that such is the view Hawkins takes of it. But then Hawkins is probably prejudiced, his recollections of some of the proceedings in his case not having increased his confidence in the impartiality of the Chief Justice. Let me refer to a few of those proceedings.

The Act of Congress governing the mode of procedure in criminal cases in the courts of the United States, gives to the accused ten peremptory challenges to the jury against two accorded to the prosecution, while the Territorial law governing the mode of procedure in criminal cases in the Territorial Courts gives to the prosecution and the accused six challenges each. The Act of Congress referred to bars all prosecution for non-capital felonies (except forgeries) not instituted within two years from the date of the offense, while the Territorial laws contain no statute of limitations. The Territorial laws provide that in non-capital cases the jury which finds a defendant guilty may prescribe the punishment. The Act of Congress is silent upon this subject and of course leaves the power of sentence where in the absence of statutory regulation it would belong—with the judge.

As Judge McKean had ruled that his was a U. S. court the counsel for Hawkins asked the court to give their client the benefit of the ten challenges allowed by act of Congress. Judge McKean refused, and allowed only the six permitted under the laws of Utah. The defendant's counsel requested an instruction to the jury that the law of Congress protected the defendant for acts committed two years before the finding of the indictment. Judge McKean refused because the Territorial laws presented no limit for prosecutions. Then counsel asked the Judge to allow the jury to fix the punishment, as prescribed by the Territorial laws. He refused that also. He pursued the practice of a United States court when the jury were being selected, of a Territorial court when the jury were being peremptorily challenged. He pursued the practice of a Territorial court when the act of Congress would have limited the prosecution, of a United States court again when the jury might, under Territorial law, have been more lenient in prescribing punishment than the exigencies of a great, burning "mission" would warrant.

What authorities were cited? What precedents involved? What chain of reasoning offered to sustain these judicial usurpations? None. The section of the statute of Utah under which Hawkins was indicted, and his wife permitted to testify against him, both before the grand and petit jury, reads as follows—

"No prosecution for adultery can be commenced but on the complaint of the husband or wife."

The statutes of but few States make adultery a felony, and adjudicated cases upon such statutes are rare. In Minnesota, however, the statute on this subject is precisely the same as that of Utah, and the Supreme Court of Minnesota, in a case strikingly analogous to the Hawkins case, in the case of State vs. Armstrong, reported in the 4th volume of Minnesota Supreme Court reports, set aside a similar conviction obtained upon the testimony of the wife, and in its opinion used the following language—

"The Act provides that no prosecution for adultery shall be commenced, except on the complaint of the husband or wife.' Common statutes Minnesota, 728, sec. 1. "It is contended that this provision authorizes them to be sworn as witnesses against each other before the grand jury in making the complaint. We think, however, that such was not the intention of the Legislature, etc., etc. We could not, etc., consistently with the rules of construction of statutes, add another case to those in which the confidence of the marriage relation may be violated, while another reasonable interpretation will fully satisfy the statute. We think, in limiting the prosecution of the crime of adultery to cases in which the complaint shall be made by the husband or wife, the Legislature only meant to say, that it was a crime, which, if the parties immediately interested did not feel sufficiently injured by it to institute proceedings against the offender, the public would not notice it. It does not follow, because the prosecution of a case proceeds upon the complaint of a particular person, that therefore, that person must be the complaining witness. The person who moves the prosecution before the magistrate or grand jury, may not personally know anything about the facts of the case, but he can, nevertheless, put the investigation in motion, by entering a complaint and either producing the witnesses who can establish the facts, or putting the officers of the law in the way of doing so. It means that it must be upon the motion, and with the approbation of the interested party."

In the same case the Supreme Court of Minnesota says, upon another point—"Marriages and deaths in civil actions involving questions of inheritance, the legitimacy of heirs, etc, may often be proven by admissions of the parties, inscriptions upon tomb stones, memoranda in family Bibles, and a variety of circumstances which are admitted for convenience and from necessity. But in criminal prosecutions for bigamy, or in adultery, where the offence depends upon the defendant being a married man or woman, the marriage must be proven in fact, and a conviction cannot be had upon the admissions of the defendant." 7 John 314, People *vs.* Humphrey.

Yet, on the trial of Hawkins, Judge McKean permitted the prosecution to prove the marriage of Hawkins by evidence of his admissions to that effect.

Perhaps I weary the convention with all this, but as the necessity for a State Government in Utah arises largely from the character and conditions of the courts of Utah, I have thought best to recite some of the history of judicial proceedings here, that all may know the grievances of the people, and that those who sustain the course of Judge McKean, may understand what it is they endorse. Perhaps the legal profession may criticize my action in reviewing, before a public assemblage, the rulings made at a trial in which I participated as counsel. I can only reply that the prosecution in these Mormon cases have constantly appealed to the public for support. They have tried their cases on the streets, in the newspapers, at public meetings, by petitions, and over the telegraph wires by means of their leading adviser, the Salt Lake agent of the Associated Press, and I do but follow their example in presenting the matter to this convention. Let those who sustain Judge McKean by petition and mass meeting, without knowing whether he is right or wrong, take heed lest the hour arrive when they shall feel need of courts where the voice of passion and public clamor cannot enter, and where those rules of law which the wisdom of ages has prescribed, will not, for any social or political exigency, be set aside.

Thus it will be seen that the four important provisions of the discarded Cullom Bill, namely no chance of jurors except by a U. S. Marshal, no Mormon to serve as jurors, the abrogation of the common law rule that a wife cannot testify for or against her husband and the new doctrine that marriage in criminal cases can be proven by admission of the defendant—are all in successful operation. That legislation to meet a local difficulty in the way of enforcing the laws, which the Senate of the United States did not deem it wise or expedient to enact, has been decreed and established by James B. McKean. That course of procedure which Chief Justice Salmon P. Chase tacitly refused to pursue, even to meet a great popular demand for the punishment of Jefferson Davis, the Chief Justice of Utah has pursued to comply with a small popular demand for the punishment of a Mormon polygamist. The judge has made those bold innovations upon precedent the contemplation of which compelled the pause of the law-making power of a great nation. Who will doubt that whenever the exigency arises the same judge will overturn another common law rule, and establish another proposition of the Cullom Bill by allowing marriage to be proved in prosecutions for polygamy by evidence of general reputation? Who will doubt that any ruling will be made that is necessary to carry out the purposes of this crusade? And what unprejudiced citizen but will regard with apprehension the extension of this practice of judicial legislation? If it should ever reach beyond Utah and be adopted by the judges of our State and national courts of last resort, either a revolution would be induced, or a people who had lost their liberties would have occasion to remember John Randolph's epigram, that—"The book of Judges comes before the book of Kings."

Let me now recall some incidents in the history of the grand jury selected under the patent process to which I have referred. That grand jury found a number of indictments, not for any alleged violation of the anti-polygamy act of Congress, not for adultery as in the Hawkins case upon the evidence of the wife, but upon somebody's evidence—let us hope that the somebody was not merely public rumor—they indicted a number of prominent Mormons for the crime of "lewd and lascivious cohabitation." The law under which these indictments were found is a statute of Utah Territory and reads as follows—

"If any man or woman, not being married to each other, lewdly and lasciviously associate and cohabit together, ect., etc., every such person so offending shall be punished by imprisonment not exceeding ten years, etc, etc."

But one State in the Union has a statute exactly similar to this—the State of Massachusetts, and the Supreme Judicial Court of that State, in the case of Common-wealth *vs* Catlin, 1st Mass reports, page 8, decided that "evidence of secret cohabitation cannot in any degree support an indictment for this offence"

Who supposes that the defendants in any of the cases of this character now pending in the Third District Court, will be proved to have committed any public act of cohabitation? And who does not conjecture that a petit jury selected as the grand jury was, and instructed as they doubtless will be, will probably find verdicts of guilty upon evidence of reputed secret cohabitation?

Let me return once more to the record history of the Third Judicial District Court.

Among the indictments for lascivious cohabitation is one charging that crime against Brigham Young, and charging it as having been committed with sixteen different persons at sixteen different times and places, ranging over a period of nineteen years. The counsel for the defendant asked the court to quash this indictment for multifariousness, or else compel the District Attorney to elect upon which count he would proceed. Let it be observed that there was nothing in this motion out of the regular course of proceedings in criminal cases. It was made upon legal grounds only, and supported by legal authorities. It was nowhere suggested or argued that 'lascivious cohabitation" was not a crime, a felony under the laws of Utah. It was nowhere suggested or argued that evidence of a polygamous marriage would be offered, or if offered could be received as a defence of the accusation. The motion to quash or compel an election was made before plea, and the Judge in passing upon that motion had no right to do anything except to grant or refuse it, and to express an opinion so far as to give his legal reasons for granting or refusing it.

What did he do? He went outside of the record, he assumed that the defendant was guilty before trial. He first denied the motion, giving his legal reasons therefor, and then he used the following remarkable language—

"But let the counsel on both sides, and the court also, keep constantly in mind the uncommon character of this case. The Supreme Court of California has well said: 'Courts are bound to take notice of the political and social condition of the country which they judicially rule.' It is therefore proper to say, that while the case at bar is called, *The People versus Brigham Young*, its other and real title is, *Federal Authority versus Polygamic Theocracy*. The 'government of the United States, founded upon a written constitution, finds within its jurisdiction another government, claiming to come from God—*imperium in imperio*—whose policy and practices are, in grave particulars, at variance with its own. The one government arrests the other, in the person of its chief, and arraigns it at this bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right. If the learned counsel for the defendant will adduce authorities or principles from the whole range of jurisprudence, or from mental, moral, or social science, proving that the polygamous practices charged in the indictment are not crimes, this court will at once quash the indictment, and charge the grand jury to find no more of the kind."

What wonder that the New York *Law Journal*, one of the leading legal periodicals of the country, thus criticized this remarkable language of Judge James B. McKean.

"His decisions we do not question, but the language accompanying those decisions has been often so intemperate and partial as to remind one of those ruder ages, when the bench was but a focus where were gathered and reflected the passions of the people."

What wonder that the counsel for the defendant felt compelled to notice this unprecedented action of McKean, by filing the next day the following protest:

Territory of Utah, Third District Court, } ss

The People of the United States in the Territory of Utah *vs.* Brigham Young,	September Term, 1871, Salt Lake City,

To the Hon. Jas. B. McKean, Judge of the above entitled Court.

We, the undersigned, of counsel for the defendant in the above entitled cause, respectfully except to the following language of your honor in your opinion upon the motion to quash the indictment herein:

"The supreme court of California has well said: 'Courts are bound to take notice of the political and social condition of the country which they judicially rule.' It is therefore proper to say that while the case at the bar is called "*The People versus Brigham Young*, its other and real title is *Federal Authority versus Polygamic Theocracy*.' The Government of the United States, founded upon a written constitution, finds within its jurisdiction another government—claiming to come from God—*imperium in imperio*—whose policy and practice, in grave particulars, are at variance with its own. The one government arrests the other in the person of its chief, and arraigns it at the bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right. If the learned counsel for the defendant will adduce authorities or principles from the whole range of jurisprudence, or mental, moral or social sciences, proving that the polygamic practices charged in the indictment are not crimes, this court will at once quash this indictment, and charge the grand jury to find no more of the kind."

The indictment in this case charges the defendant with "lascivious cohabitation," and not with polygamy or treason. The statement of your honor that a system of polygamic theocracy is on trial in this case in the person of Brigham Young, coupled with your invitation to us to prove by authorities that the acts charged in the indictment are not crimes, is most prejudicial to a fair trial of the defendant, in that it assumes that the defendant has been guilty of the acts charged in the indictment, and that the law and not the alleged fact will be on trial

No motion has been made to quash the indictment in this case on the ground that the acts charged therein are not crimes, nor has such a proposition been advanced on argument by any of defendant's counsel herein.

We submit that no "political and social condition of the country" can relieve the prosecution of the task of proving one or more of the acts alleged in the indictment, and that unless and until such proof is made, the guilt of the defendant ought not to be assumed or even conjectured by the judge before whom he is to be tried.

If any presumption is to be indulged in, it is that the defendant is innocent of the charges preferred against him, and that he will accordingly plead "not guilty" to the indictment, and that presumption remains until the defendant elects to plead either "guilty" or a special plea of justification, which latter has not been suggested by either defendant or his counsel. In so pleading "not guilty" the defendant will not say that the acts charged in the indictment are not crimes, but that he is not guilty of the acts charged in the indictment.

Then there will be a question of fact for a jury, and we submit that in the determination of that question the language of your Honor herein referred to cannot but tend to the prejudice of the defendant, and we therefore except to the same.

FITCH & MANN,
HEMPSTEAD & KIRKPATRICK,
SNOW & HOGE,
HOSEA STOUT,
A. MINER,
LE GRAND YOUNG.

Let not the filing of this protest be criticized as an unusual proceeding. If it be unusual, so was the occasion which

elicited it. What right had Judge McKean to thus expose his bias to the world, and bring the administration of justice into contempt? Suppose that in the case of Sickles, indicted for killing Kay, the seducer of his wife, a motion had been made to quash the indictment for some technical defect, and in refusing the motion to quash the judge presiding had said.—"Let all concerned keep steadily in mind, that while the case at the bar is called, the People of the District of Columbia against Daniel E. Sickles, its other and real title is The Peace of Society against Red-handed Murder. The government of Washington City finds in its midst a social code, claiming to come from God, a code which asserts the right of a husband to vindicate his honor by bloodshed The code arrays itself against the laws. A system is on trial in the person of Daniel E. Sickles. The question is not, 'Is the defendant guilty or innocent of the crime charged?' But it is, 'Shall men be permitted to walk down Pennsylvania Avenue on Sunday evenings, and murder other men who may have disturbed their domestic relations?'"

A judge who should pursue such a course elsewhere, would be apt to lose his official head, or the opportunity of trying the defendant thus passionately assailed from the bench. I do not believe that there is a fair-minded judge in the country, outside of Utah, who, if he had been betrayed in such a case into delivering such language, would afterwards consent to sit as judge upon the trial of a defendant thus prejudiced. I do not believe that there is another community in the country that would not with unanimous voice, demand that a judge who had so exhibited his bias should retire during the trial of the defendant in such a case.

And yet I venture to predict that Judge James B. McKean will refuse a change of venire, refuse a change of judges, and insist upon occupying the bench upon the trial of Brigham Young, and I predict further that his course in that respect will be sustained by hundreds in Utah, who are only anxious that Brigham Young, whether innocent or guilty, shall be convicted of something or other, or at least punished for something or other. It will be sustained also by that portion of the newspaper press of Utah which has constantly, since the inauguration of those prosecutions, presented the disgusting spectacle of calling for the conviction and punishment of men accused of crime; prejudging their cases, denouncing all who defended them, and accusing of corruption those who declined to lend the high duties of officers of the government to the dirty work of malicious injustice. It will be sustained by the editors who have bitterly abused the United States Marshal for according to persons in confinement those comforts which are allowed to all persons before trial—who are willing to undergo the expense. It will be sustained by those newspapers whose conductors have found words of encouragement and applause for every insult or indignity or oppression that has been levelled against the Mormons.

But I am not yet through with a recital of the acts of the Federal judges in Utah. The Probate Courts, which for twenty years have exercised jurisdiction in a certain class of cases, have been swept into nothingness by the Supreme Court of the Territory, throwing property rights into litigation, and making invalid and worthless hundreds of divorces upon the faith of which other marriage relations had been contracted. A liquor dealer whose stock was destroyed for selling without a license, in violation of a city ordinance, sued for damages the City Marshal and his deputies who executed the warrant, and the Justice who issued it, and obtained from a selected jury a verdict of $57,000—$19,000 for the value of the liquor destroyed and $38,000 as punishment for those who acted at least under color of authority. The son of one of the Justices of the Territorial Supreme Court—a young man whose zeal outran his discretion on election day—was locked up for a few hours for such disorderly conduct, and he has brought an action against the city officers who detained him, to recover $25,000 damages. Several persons, committed by a local magistrate to answer charges of felony, have sued out writs of *habeas corpus* before a Federal Judge and been discharged from custody, on the ground that the Mormon Justice had no jurisdiction—the universal rule of law, that the acts of a *de facto* officer cannot thus be collaterally attacked being coolly ignored.

The baser elements of society, gaining courage and support from these decisions, now commit depredations on the public peace and on private property with impunity, until within a year Salt Lake, from one of the best, has almost become one of the worst governed cities on the continent.

I turn again from the proceedings of the Court to the proceedings of the Grand Jury it impanneled.

In the guard house at Camp Douglas, associated with felons, and within the walls of the city jail, are four men of families, four kind, honest, worthy, harmless men, who are held in close confinement upon the uncorroborated evidence of a self-confessed perjurer—innocent men over whom the shadow of the scaffold impends, while the grand jury which indicted them refused to consider, refused to listen even to, evidence of the perjury of the man upon whose uncorroborated testimony the indictment was found:. Before Judge McKean, as magistrate examining persons charged with the murder of J. King Robinson, one Charles W. Baker swore that he recognized Blythe and Toms as the two men with muffled faces who ran from the scene of the homicide in question upon the night of October 22, 1866. After giving this evidence Baker, struck with remorse, or failing to receive his reward, or for both or other reasons, made the following affidavit:—

Territory of Utah, } S.S.
Salt Lake County. }

Be it remembered that, on this the 3d day of January, 1872.

Personally appeared, Charles W. Baker, who was by me sworn in due form of law, and who, on his oath, did say that he is the identical Charles W. Baker who was a witness in an examination before the honorable James B. McKean, Chief Judge of the Supreme Court of the Territory of Utah, commencing on the 14th day of December and terminating on the 23d day of December, 1871, at Salt Lake City; wherein John L. Blythe, James Toms, Alexander Burt and Brigham Y. Hampton were charged with the murder of Dr. J. King Robinson, at Salt Lake City, in the County of Salt Lake and Territory of Utah, on the 22d day of October, 1866.

He further says that the testimony which he then, on said examination, gave was wholly untrue and false. He further says he was hired to give said testimony by S. Gilson. That it was agreed between him and the said S. Gilson and others,

That he was to be paid the sum of five hundred dollars, no matter what might be the event of the proceedings, and one thousand dollars for each person that was or might be convicted.

That during the time he was engaged in said testimony and detained, his board was paid by said Gilson and others, at the Revere House, in said city.

He further says he had a plat of the grounds and of the street in the City of Salt Lake, near to the place where the murder was committed, furnished him by S. Gilson

Which plat, before he gave evidence, was by him carefully studied, so that he might understand it. He further says that since he so gave his testimony he has carefully reflected on the enormity of the crime he has committed and is aiding in carrying out, and he has concluded to make amends, so far as it is now in his power.

He therefore voluntarily now makes this statement upon his oath.

He further says that, on or about the 16th day of December, 1871, he had a conversation with Thomas Butterwood, who then informed this affiant that he was hired to give his testimony, in the above named case, and that his testimony was not true.

(Signed) C. W. BAKER.

Subscribed and sworn to before me this third day of January, A. D. 1872.

JOHN T. CAINE, Notary Public.

After making this affidavit, somebody persuaded Baker to go before the grand jury, and repeat the false statements he had made before the examining magistrate. While Baker was giving his testimony, the grand jury had in their possession the affidavit I have just read, and yet, will it be believed, they refused to consider this affidavit; they refused, although requested, to send for the three witnesses by whom the fact of Baker's voluntarily signing and swearing to it could have been proved; they refused to even question Baker about it, or to ask him to explain it, while upon his testimony alone they indicted Blythe and Toms? There was no evidence so base, so worthless but was sufficient to indict a Mormon upon, there was no evidence sufficiently damning to indict a man who would swear against Mormons.

From the closed doors of this grand inquest, the counsel for Blythe and Toms turned to Judge McKean. Upon a proper legal affidavit they asked him to have Baker brought before him for examination upon a charge of perjury. He refused to issue a warrant, or make any examination, on the ground that he was officially informed that the grand jury had the subject under consideration! Baker was then arrested and taken before a Mormon justice. The lawyer who acted as deputy district attorney on the examination of Blythe and Toms, appeared here as Baker's counsel, and waived an examination, thereby admitting that there was probable cause to believe Baker guilty of perjury; and Baker was committed to jail, where he now is, in default of $3000 bail. The usual practice of *habeas corpus* to procure his release has not been resorted to, perhaps because unpleasant facts might thereby be made public, and his confinement will not be made lengthy, for he will probably be discharged as soon as the Grand Jury can again get together and officially ignore the charge.

I will not pursue this dreary record further A volume of details of acts of injustice and tyranny might be compiled from the official records, but one more instance will suffice.

Brigham Young, an American citizen of character, of wealth, of enterprise, an old man who justly possesses the love and confidence of his people, and the respect of those who know and comprehend him, is to-day a prisoner in his own house in charge of an officer. Judge McKean refuses to admit him to bail, although the prisoner is ready to give any sum demanded, and the Attorney-General of the United States has requested that bail be taken. There is nothing but the lenity of the United States Marshal and the caprice of his persecutors between the prisoner and the cell of a common guard house. If he takes an airing in his carriage, accompanied by the officer who has him in custody, a howl goes up from those newspaper organs of the prosecution, who lustily call for a tin plate, and irons, and prison fare for him—and all this upon the uncorroborated oath of one of the most remarkable scoundrels that any age has produced, a man known to infamy as William Hickman, a human butcher, by the side of whom all malefactors of history are angels, a creature, who, according to his own published statement, is a camp follower without enthusiasm, a bravo without passion, a murderer without motive, an assassin without hatred.

Who shall say that no man will ever be convicted by an American jury upon the testimony of such a witness? That which a peculiarly constituted grand jury has commenced, a peculiarly constituted petit jury may continue, and a peculiarly constituted court complete. The end may be and doubtless will be the logical consequence of the beginning. One year ago no man would have predicted such a beginning, and who shall say that the tide will turn this side the grave? Who shall prophecy the end?

Many years ago there lived a great statesman by name Edmund Burke, a man whose philosophy, whose eloquence and whose power are indelibly imprinted upon the English history which he helped to make, and this man, after many years of vast and varied experience in the government of a great empire, declared that the object of all government was to get twelve honest men into a jury box. He said in effect that the British government with its fleets and armies, its Kings and Peers, its parliaments and courts, its vast mechanism and its mighty revenues, was only valuable to the people it governed and only true to its purpose in so far as it was able to secure to any Englishman, whose life or liberty might be imperiled, twelve impartial men to pass upon his case. That which was true in the British empire a hundred years ago, is doubly true in the American Republic to-day. Of what avail our conquests of territory, our growth of liberty, our advances in letters, arts, and arms, if we cannot give to every accused citizen, whether dwelling at the centre or upon the confines of the republic, a fair and impartial trial, before a fair and impartial jury of his peers? You may take every other privilege from the citizen and if you leave him that he has much to hope, much to be thankful for. A fair, unprejudiced, honest jury is an innocent man's city of refuge, a persecuted man's fortress, a fortress impervious to the assaults of faction, and standing high above the baffled waves of prejudice and passion. Where is that fortress to-day for Utah? Its crumbled bastions lie silent and defenceless under the feet of power. Where is your city of refuge? Its towers and battlements, no longer shining through the mists, are lost in the darkness of prejudice which environs them. The religious and secular leaders of Utah—men who are respected by many honest, earnest people who are not of their faith, men who are believed to be innocent by many influential and independent journals not of their way of thinking, men who are held fast in the embrace of a hundred thousand hearts, men who have filled the land with monuments of industry and progress and human happiness are likely to be sacrificed because a manufactured and unjust public sentiment demands their conviction, and because there is a judge who has the power and disposition to select a jury who will comply with the demand. What if really it is not the intelligent, impartial judgment of the country that demands this, what then? You cannot easily uproot a prejudice which is the growth of thirty years of slander, you cannot change a conviction which is the consequence of a quarter of a century of misrepresentation. You cannot obtain an impartial jury by a selection from those who ignorantly or advisedly are your foes,—causelessly perhaps, needlessly perhaps, unwisely and unintentionally perhaps, but still your foes.

I say deliberately that with the history of the past behind me, with the signs of the present before me, with the pervading feeling in the minds of those from whom alone juries will be taken, with the declared opinions of the judges as recorded, I say with sorrow and humiliation, that the Mormon charged with crime who now walks into the courts of his country, goes not to his deliverance but to his doom, that the Mormon who in a civil action seeks his rights in the courts of his country goes not to his redress but to his spoliation.

And there is no prospect of relief, except through a State government. It is true that the lower house of Congress has passed a bill to allow appeals to the Supreme Court of the United States in criminal cases from the Territories, but it is not probable that this bill will pass the Senate. The declared policy of the Senate and especially of its judiciary committee for some years past has been adverse to such a law.

The present Grand Jury has found six indictments for murder and seven indictments for lascivious cohabitation. The defendants in these cases include Brigham Young, Joseph A. Young, Daniel H. Wells, George Q. Cannon, Hiram B. Clawson, Hosea Stout, W. H. Kimball, and others less generally known.

This is but a beginning,—what will be the end? Look over your public history and guess if you can the possible extent of the perils which environ you. Consider the facts and consider the falsehoods. There is not a misfortune which has befallen the people of Utah, there is not a slander that has been circulated against them, there is not an evil deed committed by a desperate outcast anywhere in this Territory during the last twenty-five years, but that may, by the help of perjury and malice, be framed into an accusation and conviction of hundreds of innocent men. Consider that when the Mormons turned their backs upon the Missouri a quarter of a century ago, and sought in the distant deserts a place where they could preach and practice their strange faith unmolested, they were followed each year by a few desperate outcasts. They were joined by men who were out-lawed for crime as the Mormons were out-lawed for religion; men who had committed deeds whose detection was imminent, or men who sought to escape the pangs of conscience. Such men followed the tide of Mormon emigration, they attached themselves to Mormon trains, they professed belief in the Mormon faith, and devotion to the Mormon leaders. They made themselves useful in a hundred ways by their knowledge of frontier life and a frontier country. It was impossible to know their histories, it was impossible to fathom their motives. They were often brave or desperate men whom it was not safe to offend, and so they were tolerated, given food, given shelter, given employment, although seldom wholly trusted. In all ages such men have sought the society and protection of religious associations. Every monastery of central and southern Europe in the last century contained a few robbers and murderers who became monks to escape the rack, and sought the sanctuary to shun the jail. Let such men be tempted by a promise of safety or money, or be threatened with punishment, and they will come forward and attempt to swear their crimes upon others whose lives and hearts contrast with theirs as

the white snow contrasts with the mire which it sometimes covers with its gentle garments of pity, or as the still and shining stars contrast with the loud and hissing meteors they encounter in their march through space.

How many of such men are there in Utah? Convicted liars, professional thieves, confessed assassins, trembling perjurers, who have hung for years upon the outskirts of the little societies which gather together and build themselves up amid these mountain fastnesses. One such man has served to accuse and cause to be imprisoned several of your most honored citizens. Half a dozen of such, instigated by cowardice and sordidness, would crowd every jail in the Territory.

It will not be forgotten that fifteen years ago a war broke out between the Mormons and the U. S. Government. I call it a war because it has been so considered and designated by those in authority. It was a war without a battle. It was rather a rebellion against the United States which did not proceed as far as war. I am not here to defend or apologize for that rebellion. It was doubtless without cause, it was certainly foolish. It has been forgiven and those who participated in it were pardoned many years ago.

During that war—or rebellion—many mistaken, foolish, but honest and earnest men went to the front filled with burning zeal, and ready to sacrifice and die for a cause which they believed to be unjustly assailed. And with this army of zealots who were filled with the martyr's spirit and the fanatic's scorn of numbers, there went a few men whose cupidity was excited by the hope of gain, or whose savage hearts swelled with a lust of rapine.

Bloody deeds were committed by these men, deeds which were overlooked at the time, because most men feared their perpetrators and few men cared for the fate of the slain. What shall now prevent the advent of a score of Hickmans, who may come forward and seek exemption from punishment, seek notoriety, seek gain, by swearing that they committed their deeds of blood at the instigation of men whose wealth is coveted, or whose power is envied, or whose conviction of some crime is eagerly desired and passionately pursued by many men of many motives? The Mormon people are judged abroad not by their thousands of deeds of charity and kindness, but by a few deeds of blood unjustly accredited to their leaders. You will never hear how tens of thousands of people have been brought from famine and hopeless toil to lives of peace and plenty, but you will hear of the Mormon rebellion and of Mormon outrages. You will never hear of the thousands of emigrants who have been fed and sheltered and succored, but the Mountain Meadow massacre is in every mouth.

This partial judgment of the Mormons has necessarily some foundation. It would be strange indeed if in the eventful careers of these followers of strange lights, these pioneers of a new theology, these builders of queer temples, these wanderers of the frontier, these architects of a desert state, these men who have faced the storm and the savage, who have wrestled with the sterility of nature and the hatred of man, who have been in a state of almost constant war with somebody ever since their prophets were murdered in Carthage jail, these men who have been environed with difficulties, and almost submerged with falsehood ever since they first forded the Platte—I say it would be strange indeed, if, when a drag net is thrown over their lives, some isolated facts should not be elicited, which could be so twisted by a perjurer's tongue, and so shaped by an unscrupulous and relentless prosecution, as to secure convictions from packed and prejudiced juries.

I marvel that so little should have been brought forward thus far. I marvel that it is only the assassin Hickman who is now dragged out of the deep. There are others doubtless who await his success to embark in the same business.

On such evidence it may happen that Brigham Young, and Daniel H. Wells, and George Q. Cannon, and many other honored citizens of Utah will be convicted by selected juries, sentenced by Judge McKean, and the sentence confirmed by the Territorial Supreme Court. Unless Congress shall provide for appeals to the U. S. Supreme Court, there will then be an end of the matter, and even if such appeal be allowed, the defendants may be refused bail, and incarcerated during the tedious process of appeal.

Perhaps the end of all this will be that some good men will be judicially murdered and many others incarcerated in felons' cells. You are standing upon the verge of an awful precipice, your foes have guarded every outlet, your only chance is to break their ranks and gain the highway of safety by the path of local sovereignty. You must have a State government. Every other interest should bend to this end, every sacrifice should be made to secure it. Elsewhere there is no strength, elsewhere there is no hope. Every other refuge of good men, every other protection of innocent men is closed in your faces. A State government means juries not selected from a class but impartially from all citizens, it means Judges chosen by a majority of the people and not appointed from abroad, it means officers of your own selection, it means honest and economical government, it means equal taxation, it means peace, it means security, it means exemption from persecution—in a word it means power, not the power of a theocracy, nor yet the power of a ringocracy, but the essence of democratic republican government, the power of an intelligent, virtuous, public spirited, popular majority. It means for Utah a practical establishment of those theories of government which our revolutionary fathers struggled and sacrificed to establish, which their sons struggled and sacrificed to maintain. It does not, as has been sometimes suggested, mean the establishment of theocratic, or autocratic, or personal rule. Those who apprehend such result reason in a narrow circle; those—if such there be—who hope for such result fail to recognize their surroundings. A small and isolated society may be ruled in the primitive patriarchal fashion, but a large, prosperous community, with contending interests, cannot in the nature of things be thus governed. The very conditions on which a State government would be obtained in Utah would be necessarily self enforcing, and every right and privilege of every citizen would be secure.

The principal obstacle in the way of obtaining a State government is one which it is in the power of the people of Utah to remove, it is the obstacle of an anomalous, unpopular social institution. It is indeed true that the local opponents of a State government offer other reasons and endeavor to make other difficulties against the admission of Utah into the Union, but these will not in my opinion be seriously regarded by Congress. The advocates of continued Territorial government are anxious that Utah should have a much larger population than at present, before being admitted as a State, and they urge that she should not be admitted even with the requisite number, unless a majority of such population shall be hostile to Mormon rule.

The argument of insufficient population will have but little weight. The census of 1870 gave Utah 86,000 people, and I am informed that in several instances entire settlements containing thousands of souls were omitted by the census marshals. Since then the completed overland road and the development of mineral resources has added not less than 30,000 to the population of Utah. Our population to-day is not less than 130,000, or ten thousand more than the present basis of representation, and but 27,000 less than the future basis of representation which will not take effect until March 1873. It is three times the population of Nevada, fifty per cent greater than that of Oregon, about the same as that of Nebraska, Florida and Delaware, and larger than that possessed by either Wisconsin, Michigan, Arkansas, Iowa, Minnesota, Kansas, Oregon, Nevada or Nebraska at the date of their respective admissions, and neither the Territory of Utah nor any county or municipality in Utah is in debt a single dollar. Taxes are lighter here than in any State or Territory of the Union. Our roads are public and the toll gatherer is almost unknown. Seventy miles of railroad have been constructed within the last two years without the grant of an acre of land or the help of a dollar of public money or credit, a hundred and fifty more miles will be constructed in the same way during the next twelve months, manufactures of woolen, cotton and iron are extensively established, agriculture thrives, the value of taxable property in the Territory—exclusive of mines—will exceed fifty millions of dollars, our mineral products nearly equal those of California; in short there is not a new community of equal numbers on the continent so thrifty, so self-sustaining, so filled with every element of wealth and growth.

The other objection to a State government, an objection urged by a handful of people and an irresponsible guerilla press, that in case Utah is admitted the Mormons will control her politics and elect her officers and representatives, is an objection to which the Congress of the United States will in my judgment accord no weight whatever. That body will, I venture to predict, see no good reason why the Mormons who constitute nine-tenths of the community, should not control public affairs here, and once satisfied that the social problem is in the way of a peaceful and just solution, there will, I think, be a disposition to give Utah the privilege of self-government.

The question of State government or no State government for the people of Utah, is simply a question of concession on the part of the people of Utah. I say a question of concession—I doubt indeed if it be longer that. The universal voice of a democratic republican nation of forty millions of people seems to be consolidated into a demand with respect to Utah, a demand which may perhaps be the offspring of prejudiced opinion—but if so it is an opinion which will not be enlightened and which cannot be disregarded nor overruled. The demand is that the future marriage laws and marriage relations of Utah be placed in consonance with the rest of the Republic, the demand is that polygamous or plural marriages shall cease. Accede to this demand and you may have a State government, with condonation of the past, and secure exemption from persecution for the future. Deny it, and you will have neither a State government, nor cessation of persecutions. The war is over, secession is dead, slavery is dead, and in the absence of subjects of greater importance, Utah and her institutions will be the shuttlecock of American politics, to be bruised and beaten by the battledores of party for the next decade, unless she now grasp her opportunity and gain peace by gaining power.

In accordance with a public promise made when nominated to this Convention, I stand here to-day to advocate the surrender of polygamy. It may be that my utterances in this behalf will take from me the friendship and support of many men and women; if so, I must even pay the penalty. It is easier to swim with the current than to seek to stem it, and perhaps it is easier, but whether or not, it is a policy I have seldom been able to practice. I have not permitted myself to be disturbed by the titles of "Jack Mormon," "Apostate Gentile," "Saint Fitch," "Elder Fitch," and "Apostle Fitch," which have been so freely bestowed upon me during the last ten months by men whose small souls were incapable of comprehending that it was possible to pursue a great purpose by a liberal and comprehensive policy. That I am the friend of the Mormon people, wishing their welfare and happiness, and willing to do all in my power to advance that end, I have often publicly avowed by word and deed, and if my course in this respect shall have inclined this assemblage to-day to give more weight to my utterances than would have been otherwise accorded to them, then I am more than compensated for being traduced and steadily misunderstood by many who in times past honored me with their confidence and support. In another forum than this it was my future two years ago to stand up almost alone to ask the representatives of a great nation to be just towards an honest, earnest, calumniated people, and perhaps I may stand alone to-day in asking the representatives of that same people to be just to themselves.

I am not here to attack polygamy from a theological, a moral, or a physical, but from a political standpoint. Certainly I do not propose to question the pure motives or the honesty of those who believe in and who practice it. I am inclined to agree with Montesquieu and Buckle, that it is an affair of latitude, and climate, and race, and on these grounds alone its existence among a Saxon people living in a north temperate zone is a climatic anomaly. It did not grow out of any structural, or race, or social, or climatic necessities, and if it be, as asserted, the offspring of revelation here, I can only say that it needed a revelation to start it. That it has scriptural patriarchal origin and example is probably true, but that was in another age than ours and in a different land. If Abraham had lived on the line of the overland road in the afternoon of the nineteenth century, if Isaac had been surrounded by forty million monogamous Yankees, if Jacob had associated with miners and been jostled by speculators, there would, I apprehend, have been a different order of social life in Palestine. The Mormon doctrine may be the true theology and the writings of Joseph Smith the most direct of revelations. The practice of polygamy may be a safeguard against the vice of unlicensed indulgence, and the social life of Utah the most sanitary of social reforms. All the advantages claimed for this system may be actual, but nevertheless the fact exists that polygamy is an anomaly in this republic, existing hitherto by the sufferance of a people who now declare that it shall exist no longer.

Do you doubt this decision on their part? The evidences are all about you. Here is a people who expended thousands of millions of treasure and myriads of life to establish the freedom of the black race from oppression, and who yet regard with indifference if not with complacency the assault which has been make upon the rights and liberties of American citizens in Utah, because the objects of those assaults uphold a hated doctrine. Here is a people ordinarily jealous of the aggressions of rulers and officials, who yet endorse acts of despotism, and applaud assaults upon law and constitution because such assaults are made for the destruction of polygamy.

What if judges should be changed, or policies be altered? It would bring but temporary relief, for behind all, impelling all, contriving all, demanding all, enforcing all, there dwells the unconquerable all-pervading idea of the American people that polygamy must be extinguished—on this one thing all parties, all creeds, and all philosophies are combined. The press calls for it, the pulpit thunders for it, the politicians argue for it, the people insist upon it. You may delay the issue but you cannot evade it. Your antagonist is hydra-headed and hundred armed. Whether by bigoted judges, by packed juries, by partizan officers, by puritan missionaries, by iron limbed laws, by armies from abroad or by foes and defections at home, the assault is continuous and unrelenting. Your enemies are ubiquitous. Your friends—ah! it is your friends who advise you constantly to baffle your enemies and resign this one feature of your faith. The history of all similar movements warns you, the violated laws of latitude confront you, your children unconsciously plot against you, for while polygamy is with you the result of religious connection, with them is is but a result of religious education, and an inoculated faith, like an inoculated disease, is never very violent nor very enduring.

Can this people hope to retain polygamy against such influences and such antagonism? Some tell me that they trust in God to uphold them in a struggle to keep polygamy. Others would doubtless say that they trust in God to uphold them in the struggle to banish polygamy, and others yet that there can in the nature of things be no assurance that the Almighty will interest himself in the matter, or espouse either side. The early Christians trusted in God when the Roman Emperors gave them to the wild beasts. The Huguenots trusted in God when the assassins of St. Bartholomew's eve made the gutters of Paris reek with their blood, so trusted the Waldenses when their peaceful valleys were given to rapine, so trusted the victims whose despairing faces were lit by the glare of Spanish auto da fes, so trusted the martyrs whose faggot fires gleam down the aisles of history, so trusted the Puritans when driven out upon the stormy Atlantic, so trusted the Presbyterians when the Puritans persecuted them, so trusted the Quakers when the Presbyterians expelled them, so trusted the Acadians when driven from their homes. So trusted the myriads who in all ages have been sacrificed to the moloch of religious intolerance. Who shall say when or in what cases or in what way the Ruler of the Universe will interfere? "Render unto Cæsar the things that are Cæsar's, and to God the things that are God's." A belief in polygamy is a matter between the citizen and his God, the practice of polygamy is a matter between the citizen and his country. If you think that the laws of God call upon you to believe in it, then obey them unmolested, but the laws of your country call upon you not to practice it, so obey them and be unmolested. If for His own wise purposes the Almighty did not see fit to interfere by special and miraculous providences to protect those who refused to recant their professions, is it probable that he will so interfere to sustain those who refuse to surrender the practice of an ordinance and that not a saving, although perhaps a sacred ordinance? I say not a saving ordinance—I do not claim to know, I do not know what the Mormon doctrine may be with respect to the practice of polygamy. I observe, however, that not one tenth of your adult males actually practice it, and I naturally conclude that you do not consider its practice essential to your salvation, that it is something to be practiced or omitted as opportunity or ability may warrant. If this be so, then may not that lack of ability or opportunity arise from the antagonism of others, from the circumstances of the country, from overpowering laws—as well as from the circumstances of the individual? If one Mormon is permitted by his creed to say, "I believe in polygamy as a doctrine, but I do not practice it because my condition makes it inconvenient or impossible," why may not all say, "We believe in it as a doctrine, but we agree not to practice it because the general conditions make it inconvenient or impossible?" Why may not the earnest conscientious Mormon say, "I believe in polygamy as a doctrine, but in order to relieve my friends and associates from persecutions, in order to prevent the establishment of intolerable oppression, in order to preserve the thrift, the industry, the wealth, the progress, the temperate life, the virtues of Utah from spoliation and devastation and ruin, in order to save a hundred noble pioneer citizens from outlawry or the gibbet or incarceration; in order to achieve self-government and peace and liberty, I consent to surrender its practice for the future. And so consenting, I am content to embody my consent in the form of an organic law. So consenting, I mean in good faith to do as I agree to do; and so agreeing, I make my agreement public and of record.

To say on the other hand that you will make no compromise, that you will die rather than surrender the practice of this one feature of your faith, is the resolve of neither philosophers nor philanthropists. Such a resolve means another Nauvoo, it means that you consent to count more of your religious leaders among your list of martyrs, it means death to some, exile to others, ruin to many. If such be the well considered, deliberate determination of the Mormon people, there is no weapon in the armory of logic that will prevail against it, for you cannot reason with him who is bent on suicide. I hope that no such conclusion has been or will be reached. I hope that the assembling of this convention indicates a different and a wiser resolve. I speak to this people as a friend, I speak to them without thought of personal gain or advantage to myself to result from pursuing the course I suggest. Before God and before this Convention I do most solemnly assert, that did I intend to leave Utah forever on the morrow, I would give the same advice. Before God and before this Convention I do most solemnly declare, that did I know my little life would go out from earth with to-day's sun, I would give the same advice.

To this Convention I say, be wise in time.

Concluded on page 45.